



**Neighborhood Plan - Conduct and Consider  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** Z-1  
**AGENDA DATE:** Thu 06/24/2004  
**PAGE:** 1 of 2

**SUBJECT:** Approve an ordinance amending Ordinance No. 020523-30, which adopted the North Loop Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential to commercial-mixed use for property located at 100-104 E. 51<sup>st</sup> Street.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Neighborhood Planning **DIRECTOR'S**  
**DEPARTMENT:** and Zoning **AUTHORIZATION:** Alice Glasco

**FOR MORE INFORMATION CONTACT:** Kathleen Welder, 974-2856

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** Planning Commission made no recommendation.

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**DEPARTMENT COMMENTS:**

**Council adopted the North Loop Neighborhood Plan and rezonings on May 23, 2002.** The boundaries of the North Neighborhood Planning Area are Koenig Lane on the north, IH 35 on the east, Lamar Boulevard on the west, and 45<sup>th</sup> Street, Red River Street, and 51<sup>st</sup> Street on the south. The Neighborhood Plan was adopted on May 23, 2002.

**The subject tract is located midblock on the north side of E. 51<sup>st</sup> St.,** between a State-owned cemetery on the west side and single-family homes facing Avenue F on the east side. It is comprised of four unequal lots measuring approximately .95 acres total. The front portion is occupied by two duplexes and a single-family home, while the rear portion is undeveloped. The tract's total dimensions are 150 feet x 200 feet (150 ft. dimension fronts on E. 51<sup>st</sup> St.). The Hyde Park Neighborhood Planning Area lies directly across the street, on the south side of E. 51<sup>st</sup> St.

**The property owner proposes to develop the front portion with a neighborhood restaurant and office space and the rear portion with eight-to-ten apartment units.**

**The North Loop Neighborhood Planning Contact Team submitted a plan amendment application "out-of cycle" for the E. 51<sup>st</sup> St. property on January 23, 2004.** NPZD organized an official meeting on March 23, 2004 to bring identified stakeholders together to discuss the plan



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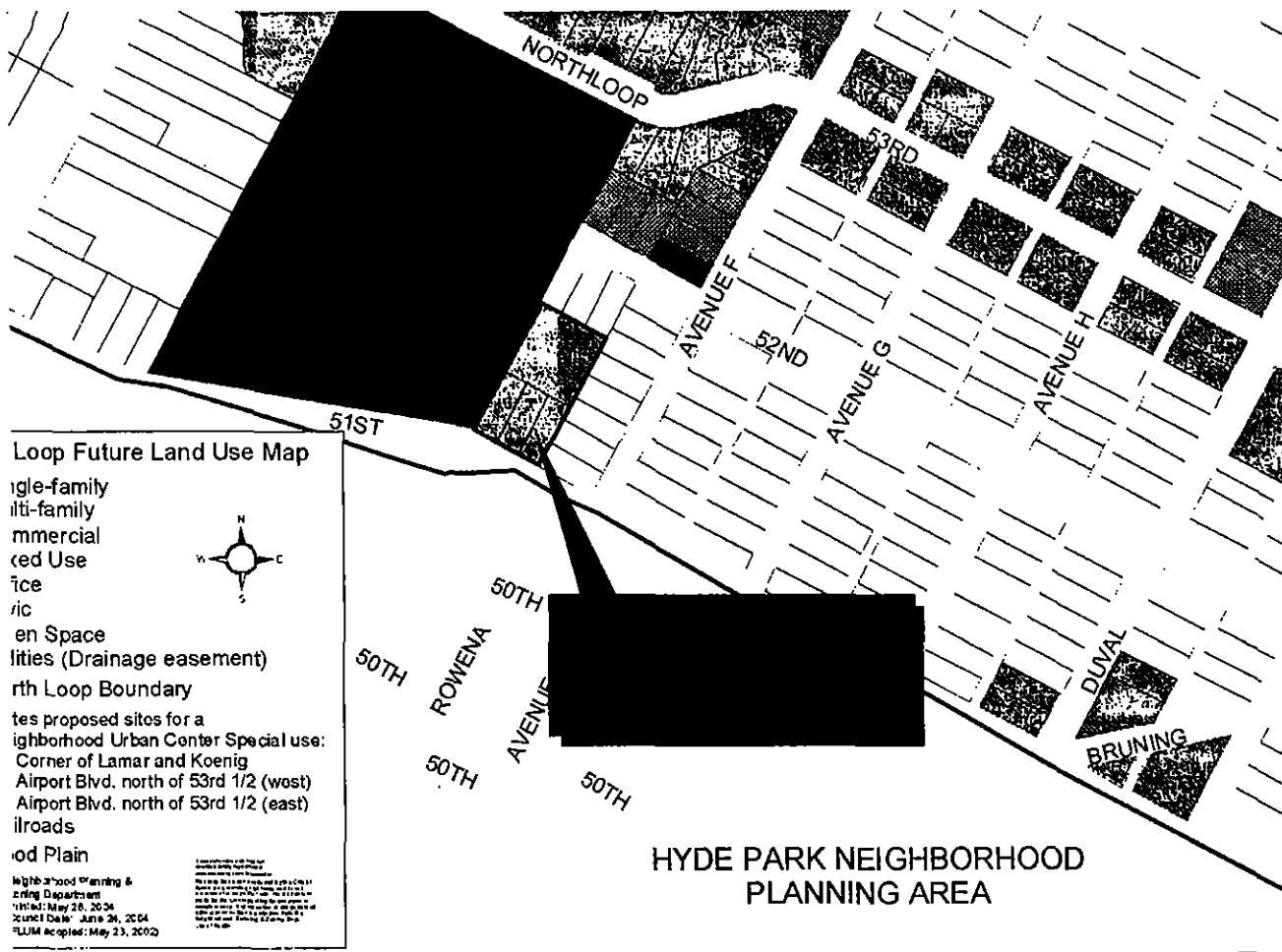
**AGENDA ITEM NO.:** Z-1  
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**PAGE:** 2 of 2

amendment application.

**Staff recommends denial of the applicant's request; staff's alternate recommendation is a change in the land use designation to higher-density single-family residential.** The purpose of the higher density single-family land use category is to encourage a mixture of moderate intensity residential uses, including townhomes and condominiums, on residential corridors. Higher density single-family is applied where it can appropriately manage development on major corridors that are primarily residential in nature. It is also applied where it provides a buffer at the edge of low-density residential areas. Because the subject tract is on E. 51<sup>st</sup> St., a two-lane arterial that is residential in nature, and because the tract sits between a single-family neighborhood on one side and a cemetery, a Texas Parks and Wildlife Property, and the University of Texas intramural fields on the other, higher density single-family is an appropriate land use.

**The North Loop Neighborhood Contact Team conditionally supports the plan amendment.** They believe it supports the growth pattern envisioned and established in their Neighborhood Plan: *"The North Loop Neighborhood Planning Area of the future is a vibrant mixed use neighborhood, where commercial and residential uses are combined, and designed in a way that creates an interesting streetscape and built environment. Compatibility is important, but so is uniqueness and a[n] eclectic character."*

**Planning Commission voted on two motions and agreed by consensus to submit no recommendation to City Council.** The first was a motion to recommend an amendment from single-family to higher density single-family and resulted in a 4-3 vote. The second motion recommended a change to commercial mixed-use and resulted in a 3-4 vote.



# Loop Future Land Use Map

Single-family  
Multi-family  
Commercial  
Red Use  
Ice  
Ice  
Ice



Open Space  
Utilities (Drainage easement)  
North Loop Boundary

Proposed sites for a  
Neighborhood Urban Center Special use:  
Corner of Lamar and Koenig  
Airport Blvd. north of 53rd 1/2 (west)  
Airport Blvd. north of 53rd 1/2 (east)  
Highways

Food Plain

Neighborhood Planning &  
Zoning Department  
Revised: May 28, 2004  
Council Date: June 24, 2004  
FLUM accepted: May 23, 2002

This map is a future land use map and is not a guarantee of any future development. It is a planning tool and should not be used to make decisions about individual properties. The map is subject to change without notice. The map is not a legal document and should not be used to make decisions about individual properties. The map is not a legal document and should not be used to make decisions about individual properties.

## HYDE PARK NEIGHBORHOOD PLANNING AREA

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ORDINANCE NO. 020523-30, WHICH ADOPTED THE NORTH LOOP NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 100 – 104 EAST 51ST STREET.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Ordinance No. 020523-30 adopted the North Loop Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

**PART 2.** Ordinance No. 020523-30 is amended to change the land use designation on the North Loop Neighborhood Plan Future Land Use Map from single-family residential to commercial-mixed use for property described in Neighborhood Plan Amendment No. NPA-04-011.01 located at 100 – 104 East 51<sup>st</sup> Street, as shown on the map attached as Exhibit "A" and incorporated in this ordinance.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004      §  
                                 §  
                                 § \_\_\_\_\_  
                                 Will Wynn  
                                 Mayor

**APPROVED:** \_\_\_\_\_  
                         David Allan Smith  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Shirley A. Brown  
                         City Clerk

# EXHIBIT M

## Neighbors Opposed to the 51<sup>st</sup> Street Plan Amendment and Zoning Change

Contact: Maya Gamble at 371-0893 or [Maya\\_Gamble@Hotmail.com](mailto:Maya_Gamble@Hotmail.com)  
or Lisa Hoffman at 452-7347 or [lacross1960@yahoo.com](mailto:lacross1960@yahoo.com)

April 7, 2004

### VIA HAND DELIVERY

Ms. Lydia Ortiz  
Planning Commissioner  
PO Box 2655  
Austin, Texas 78768

Re: Amendment to Neighborhood Plan (File Number: C14-04-0015) and Proposed  
Zoning Change (File Number: NPA-04-0011.01) at 100-104 East 51<sup>st</sup> and 0 East  
51<sup>st</sup>

Dear Ms. Ortiz:

Enclosed please find the following items in support of our strong opposition to the proposed neighborhood plan amendment and zoning change for the property at 100-104 East 51<sup>st</sup> Street.

1. Copies of the petitions of neighbors opposed, both within 200 feet and outside 200 feet from the property at 100-104 East 51<sup>st</sup> Street.
2. Letters from affected neighbors in opposition (others have been e-mailed separately).
3. Future Land Use Map from the North Loop Neighborhood Plan.
4. Photographs showing the traffic on 51<sup>st</sup> Street.
5. Map showing the property and location of some of the nearby commercial developments.
6. Photographs of vacant commercial property in the area.
7. Copies of the petitions of neighbors opposed, both within 200 feet and outside 200 feet, from October, 2002 the first time the zoning change was requested.

We look forward to seeing you on April 13, 2004 when the Planning Commission will hear the proposed Amendment and proposed Zoning Change. Please do not hesitate to contact either Lisa Hoffman, or myself, Maya Gamble, prior to that time if you have any questions or would like more information.

Very Truly Yours,

  
Lisa Hoffman

  
Maya Guerra Gamble

1a. Copies of the petitions signed by neighbors within 200 feet of  
100-104 East 51<sup>st</sup> Street opposed to the plan amendment and  
zoning change.

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100, 102, & 104 East 41st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

[illegible]

The information above is solely to aid the Austin Planning Commission and Austin City Council in deciding this case (File #C14-04-0015). This information may not be sold or given to any other entity without the expressed written consent of each party listed above.

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
1. <u>Wendy Hedeon</u>	<u>Wendy Hedeon</u>	<u>5111 Ave P Austin TX</u>	<u>512-484-1614</u>
2. _____			
3. _____			
4. _____			

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
1. <u>Sylvia Knauer</u>	<u>Sylvia Knauer</u>	<u>5109 Ave F</u>	<u>415-383-8685</u>
2. <u>Kirk Knauer</u>	<u>Kirk Knauer</u>	<u>5109 Ave F</u>	<u>"</u>
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			
9. _____			
10. _____			
11. _____			
12. _____			
13. _____			
14. _____			
15. _____			
16. _____			



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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Jean D. Neal Jr.</i>	JEAN D. NEAL JR	105 E. 52nd	930 9561
2.			
3.			

20 February 2004

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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>David R. Albert</i>	DAVID R. ALBERT	5105 AVENUE F	(512) 258-6602
2.			
3.			

20 February 2004

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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Randal M. Bransford</i>	RANDAL M. BRANSFORD	5014 A+B ROWENA STREET	C-512-797-2592 W-512-447-1100
2.			
3.			
4.			
5.			
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20 February 2004

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SIGNATURE	NAME	ADDRESS	PHONE
1. <u>[Signature]</u>	LARRY WALKER	5200 Ave F - Austin	(512) 448-2115

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
1. <u>[Signature]</u>	OLIVIER CHATELAIN	5018 AVENUE F AUSTIN TX 78751	(512) 419-1341

You may send your written comments to the Planning Commission Assistant, Transportation, Planning & Sustainability Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0015-GR

Planning Commission Hearing Date: February 24, 2004

March 9, 2004

Name (please print) OLIVIER CHATELAIN

☐ I am in favor  
(Estoy de acuerdo)

Address 5018 AVENUE F AUSTIN TX 78751

☒ I object  
(No estoy de acuerdo)

1

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
1. <u>[Signature]</u>	DOUGLAS BONNER	5106 AVE F	312-344-7344
2. <u>[Signature]</u>	BEN LINDSEY	5102 AVE F	512-453-2426

FROM :TGILLS1

FAX NO. :5122758398

Mar. 02 2004 11:42AM P2

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
<u>[Signature]</u>	Peter C. Brust	5112 AVE F	(512) 408-234-1536

1b. Copies of the petitions signed by neighbors further than 200 feet from 100-104 East 51<sup>st</sup> Street opposed to the plan amendment and zoning change.

February 2004

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

	NAME	SIGNATURE	ADDRESS	PHONE
1)	David W. Hoffman	[Signature]	5102 Ave G	482-7347
2)	Cecilia Mena	[Signature]	5104 Ave G	451-1856
3)	MS Owen	[Signature]	5104 Ave G	302-5434
4)	Will Owen	[Signature]	5107 Ave G	1-598-0330
5)	THOMAS WARE	[Signature]	5210 GUADALUPE	457-9609
6)	Jennifer Gaudin	[Signature]	301 Genard St	380 0051
7)	Melinda Harris	[Signature]	303 Genard St	452-9121
8)	Patelle Knappe	[Signature]	402 Genard	459 0992
9)	Jacqueline Jenkins	[Signature]	406 Genard	458-5081
10)	MARK BROWN	[Signature]	504 GENARD	453-6866
11)	MEGAN FLYNN	[Signature]	504 Genard St	453-6866
12)	Mose Brown	[Signature]	504 Genard	453-6866
13)	Lynett Oliver	[Signature]	502 Genard	459-4886
14)	JENNIFER BARNIER	[Signature]	502 Genard	459-4886
15)	Kevin Wegner	[Signature]	5210 Guadalupe	465-9616
16)	Olivia Primanis	[Signature]	5206 Guadalupe	371-1806
17)	Christophe Hayes	[Signature]	5206 Guadalupe	371 1806
18)	David O'Garra	[Signature]	605 Genard St.	451-6710
19)	Aura Hoffman	[Signature]	604 GENARD	419-7670
20)	Jeff Rahman	[Signature]	604 A Genard	778-5268
21)	Niesha Parker	[Signature]	5106 Genard	453-8384
22)	Kate Allen	[Signature]	104 E 51st Unit B	289-5550
23)	[Signature]	[Signature]	5107 Evans	374-1015
24)	David McGill	[Signature]	5208 Evans	467-1803
25)	Wm. Connor	[Signature]	5105 Evans Ave	323-5457
26)	Paul Badell	[Signature]	5106 Martin	371-7902
27)	Lisa Hartenberger	[Signature]	5109 Martin	451-5420
28)	Alice Perren	[Signature]	5109 Martin	451-5420
29)	Alex Kapiwoda	[Signature]	5111 Martin	371-0536
30)	[Signature]	[Signature]	5113 Martin	457-0076

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Let's P.O. 101

February 2004

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1)	Gina Ballen	5107A Ave G	539-7673
2)	Carolyn Knight	5607 Link Ave	451-1727
3)	Lisa Wright	5201 Ave G	457-1727
4)	Dave Johnson	5205 Ave G	417-8359
5)	Elizabeth Flanagan	5147 Ave F	451-9252
6)	W. J. Sauer	5209 Ave G	321-3780
7)	Lisa Sarmiento	515 Ave G	302-6491
8)	Elvira Smith	5105 Ave G	453-6807
9)	Mercedes Smith	5105 Ave G	453-6802
10)	Gladys G. Daffy	5103 Ave G	453-5277
11)	Made Daily	5105 Ave G	453-5272
12)	Jeff Daffy	5108 Ave H	231-5794
13)	Joel Schlichtemeyer	5106 Ave G	302-0662
14)	Marc Rendon	5107A Ave G	533-9763
15)	Kendal Barnard	5114 Ave G	452-4372
16)	Augustina Garza	5210 Ave G	459-8149
17)	Julia R. Garza	5210 Ave G	459-8149
18)	Kevin Jenkins	5212 Ave H	577-1617
19)	Chiro Nishida	5213 Ave H	744-3629
20)	Laura Hawnibar	5212 Ave H	452-9620
21)	Crystal Fuobnays	5208 Ave H	311-2250
22)	John Moore	5204 Ave H	809-5185
23)	Michael Campbell	5200 Avenue H	680-7804
24)	Tania Martinez	5201 Ave H	419-9007
25)	Elizabeth Dwyer	307 E. S 210 St	510-874000
26)	Michael A. Kuhlendell	5106-B Ave H	454-7673
27)	Reed Johnson	5107 Ave H	459-4253
28)	Joel Rupp	5105 Ave H	242-3701
29)	Cassie Cordray	4901 Ave H	589-7856
30)	Jessie Taylor	4901 Ave H	589-7856
31)	VAREX THOMAS	5209 Ave G	454-8534
32)	Frances Morris	5011 Martin Ave	451-0935
33)	Thomas M. Ballen	5011 Martin Ave	451-0935
34)	Blanca Schuck	5101 Ave G	454-6677
35)	Matthew Martin	5101 Ave G	784-3258
36)	Gabriela Aristondo	5101 Ave G	454-6677
37)	Paul Rogoff	5102 Ave H	916-5283
38)	Alisha Jones	5111 Ave H	(210) 421-1887
39)	KURTIS COLANNA	5205 Ave H	452-6442
40)	James Costello	5204 Ave H	452-9621

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Northfield

February 2004

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>Imelda Black</i>	Imelda Black	5212 Duval St	484-6901
2) <i>Emily Kersae</i>	Emily Kersae	5208 Duval St.	459-6496
3) <i>Kaylean Bati</i>	Kaylean Bati	5204 Duval St.	323-5670
4) <i>Kathleen Warner</i>	Kathleen Warner	5202 Duval St	407-8821
5) <i>Kurt F. Mohlman</i>	Kurt F. Mohlman	5203 Duval St	371-7678
6) <i>Carlynn Annette Crites</i>	Carlynn Annette Crites	5205 Duval St.	407-8807
7) <i>Lydia Doty</i>	Lydia Doty	5207 Duval St	467-2097
8) <i>Alex Jan</i>	Alex Jan	5119 Duval St	955-6588
9) <i>Blaine</i>	Blaine	5115 Duval St	419-9708
10) <i>W. D. Porter</i>	W. D. Porter	5107 Duval St	457-1675
11) <i>James Bolton</i>	James Bolton	5112 Duval St.	459-1801
12) <i>Lisa Hopper</i>	Lisa Hopper	502 ANG ST	452-7347
13) <i>Roxanne</i>	Roxanne	5205 LORRAINE	407-9288
14) <i>Jennie Gray</i>	Jennie Gray	201 JENNIE ST	974-7400
15) <i>Joe Parks</i>	Joe Parks	304 ZANIA ST	451-1898
16) <i>Joyce Meredith</i>	Joyce Meredith	402 ZENNIA	463-4860
17) <i>Charles I. Batts</i>	Charles I. Batts	403 ZENNIA	468-7860
18) <i>503 Zennia St. Holly</i>			418-9598
19) <i>Stacy Fletcher</i>	Stacy Fletcher	504 ZENNIA ST	274-9856
20) <i>Craig Whitworth</i>	Craig Whitworth	505 ZENNIA 38751	452-4545
21) <i>MARK A. CHERRY</i>	MARK A. CHERRY	604 ZENNIA	453-3672
22) <i>KEAT PIRKLE</i>	KEAT PIRKLE	7010 ZENNIA	380-9754
23) <i>BATLEY LONDAGY</i>	BATLEY LONDAGY	700 ZENNIA	"
24) <i>RONNIE CLARK</i>	RONNIE CLARK	"	"
25) <i>Donna Suman</i>	Donna Suman	406 W. 51ST	445-6323
26) <i>Cameron McCall Jordan</i>	Cameron McCall Jordan	809 W. 51ST	457-6223
27) <i>NEAL CLARK</i>	NEAL CLARK	408-4 West 51st St 78751	454-4572
28) <i>NEAL CLARK</i>	NEAL CLARK	3021 W. 51ST 78751	371-0582
29) <i>5207 Lee Lane Austin</i>			459-6582
30) <i>5105 Loralynn St Austin TX 78751</i>			453-2875
31) <i>5205 Loralynn St Austin TX 78751</i>			499-0234
32) <i>5205 Loralynn St Austin TX 78751</i>			407-9950
33) <i>500 Franklin Blvd Unit B Austin, TX 78751</i>			484-1842
34)			
35)			
36)			
37)			
38)			
39)			
40)			

The above information is solely to aid the Planning Commission in deciding this case (File # C14-04-0015).

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N&B IN FIELD

February 2004

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	La Bryant	5014 Rowena Ave #8	554-9056
2) <i>[Signature]</i>	J. Beaman	104 E. 51st	633-9963
3) <i>[Signature]</i>	Michael Johnson	104 E. 52nd	371-1514
4) <i>[Signature]</i>	Kim Mendez	104 E. 52nd St.	371-1514
5) <i>[Signature]</i>	Joshua Anderson	102 E. 52nd St	407-9911
6) <i>[Signature]</i>	Andrea James	102 E. 52nd St	407-9911
7) <i>[Signature]</i>	Tiffany-Kaye M. Hart	102 E. 52nd apt B	323-9309
8) <i>[Signature]</i>	Carol Anderson	5115 Ave F	467-8042
9) <i>[Signature]</i>	Andrea Smith	101 E. 52nd St	467-6733
10) <i>[Signature]</i>	David W. Pl.	101 East 52nd	467-6733
11) <i>[Signature]</i>	Kellie Talbot	101 East 52nd	467-6733
12) <i>[Signature]</i>	Carol SEPTEON	102A E. 52nd	302-4878
13)			
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0

**Dear Planning Commission,**

**As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic,noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change.Thank you .**

**Sincerely,**

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>Vin Smith</i>	Vin Smith	5000 AVE G	545-8382
2) <i>Eric M. Mills</i>	ERIC M. MILLS	5000 AVE F	374-9064
3) <i>John Henry</i>	John Henry	4913 Ave E	452-8230
4) <i>Emily Timm</i>	EMILY TIMM	4904 AVE E	334-8290
5) <i>Matthew Miller</i>	Matthew Miller	4902 Ave E	325-3002
6) <i>Lam Kye</i>	Lam Kye	1600 Ave F	452-2906
7) <i>Jeff Severs</i>	JEFF SEVERS	4913 Ave F	450-0572
8) <i>Julia H. Smith</i>	Julia H. Smith	6014 A ROWENA	740-3357
9) <i>Jamie Green</i>	JAMIE GREEN	4810 AVE F	450-1561
10) <i>Mary Smith</i>	MARY SMITH	4807 Ave F	459-8288
11) <i>Victoria Stafford</i>	Victoria Stafford	108 E 18th ST	467-8922
12) <i>Maec Andrews</i>	Maec Andrews	4702 ROWENA	
13) <i>Linda Crockett</i>	Linda Crockett	4700 ROWENA	414-1887
14) <i>Linda Crockett</i>	Linda Crockett	4700 ROWENA	414-1887
15) <i>Brandon Skia</i>	Brandon Skia	109 E 47th	731-6914
16) <i>Paul J. Williams</i>	PAUL J. WILLIAMS	203 E 47th	407-7106
17) <i>Ann L. Gail</i>	ANN L. GAIL	4710 Ave F	773-4336
18) <i>Adam Stevenson</i>	ADAM STEVENSON	4711 Ave F	450-1531
19) <i>Virginia Rodriguez</i>	Virginia Rodriguez	5209 Ave H	380-0539
20) <i>Kimberly</i>	Kimberly	5013 Ave H	302-1129
21) <i>Maggie Bennett</i>	Maggie Bennett	5011A Ave H	777-6621
22) <i>Suzanna Chaffel</i>	Suzanna Chaffel	5004 Ave H 38351	323-5321
23) <i>B. A. Newcomb</i>	B. A. Newcomb	5201 Ave H	459-1962
24) <i>Les Henderson</i>	Les Henderson	4914 Ave H	451-1512
25) <i>Tiffany Purchen</i>	Tiffany Purchen	4911 Ave H	823-2822
26) <i>Stefanie Hurley</i>	Stefanie Hurley	4909 Ave H	454-4382
27) <i>Benjamin</i>	Benjamin	4909 Ave H	451-4382
28) <i>BEN MUNGERN</i>	BEN MUNGERN	4908 Ave H	459-3036
29) <i>Aubrie Aldridge</i>	Aubrie Aldridge	4906 Ave H	695-1774
30) <i>Jenni Marnett</i>	Jenni Marnett	4910 Ave H	
31) <i>Amanda Allen</i>	Amanda Allen	4911-A Ave H	773-4141
32) <i>William T. Gravette</i>	William T. Gravette	4609 Ave H	458-4613
33) <i>Joel Rolles</i>	Joel Rolles	4802 Ave H	451-5862
34) <i>Kelcie Left</i>	Kelcie Left	4714 Ave H	467-6967
35) <i>Douglas Kelly</i>	Douglas Kelly	4800 Ave H	452-5143
36) <i>Douglas Lind</i>	Douglas Lind	4805 Ave G	407-9464
37) <i>Ala Seyal</i>	Ala Seyal	4813 Ave G	371-7066
38) <i>Ali Havelin</i>	Ali Havelin	4812 Ave G	673-5736
39) <i>HERLINDA</i>	HERLINDA	4814 Ave G	452-4492

The above information is solely to aid the Planning Commission in deciding this case (File # C14-04-0015). This information may not be sold or given to any other entity without expressed written consent of each party listed above.

HYDE PARK



February 2004

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

2/20/04

SIGNATURE	NAME	ADDRESS	PHONE
1) Teresa Velasquez	TERESA VELASQUEZ	4607 AVE F	452-0468
2) Mary Davis	Mary Davis	4604 AVE F	467-0166
3) Fernando Dasilva	FERNANDO DASILVA	4604 AVE F	467-0166
4) Thomas E. O'Brien	THOMAS E. O'BRIEN	4531 AVE F	451-4140
5) Rebecca O'Brien	REBECCA O'BRIEN	4531 AVE F	451-4140
6) Patricia Brown	PATRICIA BROWN	4515 AVE F	454-7554
7) Robert Sargent	ROBERT SARGENT	4512 AVE F	452-6916
8) John Hart	JOHN HART	4510 AVE F	454-5933
9) Alex Knepp	ALEX KNEPP	4507 AVE F	302-3184
10) Kevin Dashi	KEVIN DASHI	4509 AVE F	452-8339
11) CONNOR DASHI	CONNOR DASHI	4509 AVE F	452-8339
12) Yusef D. Welch	YUSEF D. WELCH	4501 AVE F	452-3641
13) John Randall	JOHN RANDALL	4501 AVE F	601-9162
14) Mike Norrmeyer	MIKE NORRMEYER	4502 AVE F	657-1774
15) Phillip Sherman	PHILLIP SHERMAN	4503A AVE F	453-0131
16) Hilary Hargis	HILARY HARGIS	4501 AVE F	403-7434
17) Barbara Mahler	BARBARA MAHLER	4502 AVE G	584-9209
18) Jessica Lay	JESSICA LAY	4504 AVE G	454-1963
19) SANDRA SMITH	SANDRA SMITH	4506 AVE G	311-7463
20) Dwayne T. Schaefer	DWAYNE T. SCHAEFER	4511 AVE G	452-1911
21) Spencer Schaefer	SPENCER SCHAEFER	4513 AVE G	302-1296
22) Maria Elena Garcia	MARIA ELENA GARCIA	4524 AVE G	458-2117
23) CHARNEY ASHMAN	CHARNEY ASHMAN	4525 AVE G	454-0119
24) Harold S. Ashburn	HAROLD S. ASHBURN	4525 AVE G	454-0917
25) Victoria Goodman	VICTORIA GOODMAN	4523 AVE G	452-1324
26) STANLEY ROBUSKY	STANLEY ROBUSKY	4604 AVE G	451-4758
27) John Hart	JOHN HART	4708 AVE G	458-0209
28) Kirsten Belgium	KIRSTEN BELGIUM	4712 AVE G	450-1752
29) Jonathan Thompson	JONATHAN THOMPSON	4713 AVE G	302-3771
30) JEFFREY KACADIA	JEFFREY KACADIA	4908 B RAYMOND AVE	512-5834
31) JACLYNNE DUBOIS	JACLYNNE DUBOIS	4908 B RAYMOND AVE	512-5834
32) David H. Hargis	DAVID H. HARGIS	4908 B RAYMOND AVE	512-5834
33) Susan Samuels	SUSAN SAMUELS	4908 B RAYMOND AVE	512-5834
34) JOAN N. KINGS	JOAN N. KINGS	4915 RAYMOND AVE	512-5834
35) STEVE HOLT	STEVE HOLT	4915 RAYMOND AVE	512-5834
36) VICKI THORP	VICKI THORP	4915 RAYMOND AVE	512-5834
37) ADRIAN DELACROIX	ADRIAN DELACROIX	4902 RAYMOND AVE	204-2805
38) ELIZABETH F. BROWN	ELIZABETH F. BROWN	4913 RAYMOND AVE	454-3057

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INDE PARK (3)

February 2004

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

	NAME	SIGNATURE	ADDRESS	PHONE
1)	Dave Raichler		4530 Ave G	
2)	Ernest Brindwell		4603-B Ave G	698-3321
3)	Bryan R Hunt		4703 Ave G	467-2830
4)	Chris Alger		4705 Ave G	460-1790
5)	Sue Strong		4707 Ave G	452-1371
6)	Dawn Allen		4709 Ave G	467-8600
7)	Michael Miller		4711 Ave G	533-9190
8)	MATTHEW C KENDRA		4716 Ave G	974-277-2412
9)	Stacy Moberg		4717 Ave G	512-4538774
10)	Rachel Tennings		4808 Ave G	415-8998
11)				
12)				
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February 2004

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	NAME	SIGNATURE	ADDRESS	PHONE
1)	Magdalena N. Muchlinski		618 "B" Fairfield Lane	512-450-1894
2)	Henry E. Harkness		5014 Evans	512-459-3048
3)	Simon Solotko		5015 Evans	512-413-6469
4)	Sharon Warner		5012 Evans	512-454-7318
5)	Kelly A Cox		5011 A Evans	419-9759
6)	Don Tankersley		5008 Evans	453-0272
7)	Joseph M. Harkness		5006 Evans	453-0752
8)	Andy		5004 Evans	459-3509
9)	Cory Belcher		703 E 50th	452-8751
10)	Carolyn Porter		5005 Martin	323-2495
11)	David Wilcox		5005 Martin	323-2495
12)	Jim D.		5007 Martin	451-1691
13)	Charles Bruno		5011 Martin	371-9521
14)	Tracy Overath		5102 Martin	419-9070
15)	Ryan Clinton		5104 Martin	467-8898
16)	KEN GRIFFITH		4803 EVANS	374-0267
17)	HELEN GRIFFITH		4803 EVANS	459-6418
18)	TAM GRIFFITH		4803 EVANS	968-9920
19)	Ellen Davis		4802 A Evans	452-1651
20)	ENRIQUE PINON		4804 EVANS AVE	458-2949
21)	Sara Pullum-Pinon		4804 Evans Ave	458-2949
22)	Mary Carpenter		606 Fairfield Ln.	451-9401
23)	Shelly White		610 Fairfield Ln	374-9192
24)	Russell Godwin		609 Fairfield Lane	451-1136
25)	Vicki Godwin		609 Fairfield Ln	451-1136
26)	Debbie Schuchman		609 Fairfield Ln.	451-1136
27)	Joe J. Harkness		611 Fairfield	458-1548
28)	Frank C. Harkness		620 Fairfield	454-9914
29)	Karen Harkness		620 Fairfield	454-4404
30)	GARY DICKERSON		6188 FAIRFIELD	450-1594

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HYDE PARK

February 2004

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015) as the increase in traffic, noise, air pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

	NAME	SIGNATURE	ADDRESS	PHONE
1)	Rugene Delacruz	[Signature]	711 E 50th St	636-1660
2)	Laura Battle	[Signature]	713 E 50th St	419-9838
3)	Dominic Carlin	[Signature]	705 E 50th St	451-4091
4)	Paula Raga Belmar	[Signature]	703 E 50th St	451-881
(85)	Mark J. Quax	[Signature]	700 E 50th	467-6687
6)	Jessie Lada	[Signature]	507 E 50th	371-1890
7)	Ruben Rueda	[Signature]	507 East 50th St	371-1890
8)	Andren Valenzuela	[Signature]	505 E 50th	4070702
9)	ARVID SIROMULA	[Signature]	503 E 50th	431-9273
10)	Nadia Camacho	[Signature]	5009B St	371-0947
11)	Edgar Campbell	[Signature]	5008 Duval St	475-8412
12)	Deborah Sabertzen	[Signature]	5002 Duval	452-7118
13)	Larry Wood	[Signature]	5000 Duval	452-1922
14)	Verna Pool	[Signature]	5000 Duval	452-1922
15)	Jeff Guaney	[Signature]	4912 Duval	507-2875
16)	Cathy Terbay	[Signature]	4900 Duval	453-6421
17)	DAVE MEAD	[Signature]	4812 Duval	419-9987
18)	ROBBIE SLACHUTKA	[Signature]	4806 Duval	419-0500
19)	RICARDO LYRA	[Signature]	4804 Duval	420-0918
20)	MANUEL TRUJO	[Signature]	4802 Duval	463-9776
21)	Dora Ojeda	[Signature]	4800 Duval	422-9816
22)	Chris Kiser	[Signature]	4801 Duval	467-8993
23)	Andy Homer	[Signature]	4809 Duval	467-8443
24)	Dennis Ka	[Signature]	4813 Duval	411-9888
25)	MICHAEL SEBEN	[Signature]	4907 Duval	374-0939
26)	Gene Atwood	[Signature]	4908 Duval	468-6676
27)	SANDRA FRANK	[Signature]	4911 Duval	420-9955
28)	STEVEN [unclear]	[Signature]	5001 Duval	453-0723
29)	DENON GREEN	[Signature]	5001 Duval	453-0723
30)	Douglas E. Anderson	[Signature]	5100 Bruning #107	N/A

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FLY DE PARK

2. Letters from affected neighbors in opposition (others have been e-mailed separately).

**Lisa and David Hoffman**

5102 Avenue G  
Austin, Texas 78751  
452-7347 lacross1960@yahoo.com

April 6, 2004

**VIA HAND DELIVERY**

Ms. Lydia Ortiz  
Planning Commissioner  
PO Box 2655  
Austin, Texas 78768

**RE: Proposed Amendment to Neighborhood Plan (File Number: C14-04-0015)**  
**and Application for Zoning Change (File Number: NPA-04-0011.01) at**  
**100-104 East 51st**

Dear Ms. Ortiz:

My husband, David, and I strongly oppose the amendment to the North Loop Neighborhood Plan, as well as, the proposed zoning change for the property located at 100-104 East 51<sup>st</sup> Street. Our home, 5102 Avenue G, is within 300 feet of this site. We urge you to find against the plan amendment and subsequent rezoning of property currently zoned Single Family – 3 for the following reasons:

1. We are strongly in favor of the North Loop Neighborhood Plan. This Plan accentuates the positive aspects of our community while introducing new ways to encourage pedestrian traffic. This Plan appropriately provides a guide to address our community's direction and growth to avoid the painful division that often results from spot zoning, such as this.
2. The Plan amendment process unfairly favored the applicant by allowing an unchallenged presentation with a vote at the next quarterly meeting. The process for adopting the Plan was lengthy and offered many opportunities for input from those not on the Planning Team. The amendment process should first protect the Plan. Whether or not you agree with this particular Plan amendment, surely a more inclusive, thoughtful, and fair process is warranted to take a long-reaching action as a Plan amendment. What is the point of a Neighborhood Plan if amendments can be so easily obtained?
3. The North Loop Neighborhood Planning Team members' zealous "crusade" for Mixed Use zoning encourages investors to seek a more intensive zoning where no need exists solely to maximize profitability. Had there been an actual need for commercial zoning at this location, this site would have been addressed in the Neighborhood Plan.
4. The North Loop Neighborhood Planning Team's decision to amend our neighborhood Plan should be discounted for several reasons:

a. The plan amendment process was completely one-sided. The applicant was expected to notify opposition. He did not. Opposition was never allowed to present a case to the North Loop Neighborhood Planning Team prior to the vote. Since the previous application for rezoning of this site in October 2002, our opposition has been well documented. The City Staff's opposition was also clear. We were easy to find if the Planning Team had been interested in another point of view.

b. Serious conflict of interests issue begs that opposition be allowed to present a case prior to any vote by the Planning Team. This did not happen. Don Smith, the applicant for the plan amendment and rezoning, will personally benefit financially in the event that this application is granted. He is also currently serving as vice-chair of the North Loop Neighborhood Planning Team and, although, he abstained from voting, his influence on the Planning Team is undeniable. Bill Yoder, past Chair of the North Loop Neighborhood Planning Team, boasted on March 3, 2004 (at the meeting held by City Staff) that the Planning Team had already had five meetings to discuss Don Smith's proposal. Opposition was not heard at any of these meetings.

c. There is absolutely no mechanism in place to insure accountability to the majority of the neighbors. The members of the Planning Team are not elected and cannot be fired. This gives them unchecked power. They do not represent the views of the neighborhood. Some planning team members like to call us a "vocal minority", however, a petition of over 300 signatures disproves their claim. They are out of touch with the rest of us.

d. The North Loop Neighborhood Planning Team has a bias toward business/ developers over stakeholders. Their record speaks for itself. In each case below (there may be more of which I am unaware) the Planning Team voted to support the businesses without considering any opposition - even when they were aware that strong opposition existed:

1. 53rd and Evans: voted in support of a variance to allow a 5' setback instead of 25';
2. FlightPath Coffeehouse at E 51st and Duval: voted in support of a variance to allow for less parking than mandated by ordinance;
3. Up to Me, Inc.: voted in favor of a zoning change; and
3. 100-104 E 51<sup>st</sup> Street: voted in favor of a plan amendment and zoning change.

5. Traffic on E 51st Street is quite dangerous for pedestrians and motorists alike. E 51st Street is a narrow two-lane road with a bike lane on either side; most homes are about 20 feet from the roadway at this site. Commuters routinely hit speeds of 50 mph between Duval and Guadalupe. Add to this speed and increasing volume of the "cut-thru" traffic, the curve, the hill, and three odd intersections at the subject property, and you

could not have designed a more deadly destination for pedestrians. This site is unsafe, at best.

6. There is no need for this site to be commercially zoned. Indeed, only two blocks north the whole of North Loop has been designated as Mixed Use by the adopted Plan. Allowing Mixed Use zoning at 100-104 E 51st Street would mean inserting commercial use into an area which is zoned entirely Single Family-3, while a wealth of commercial property exists within and surrounding our neighborhood, i.e. within walking distance of residents. Much commercially zoned property is presently vacant.

7. The investment corporation, Eileen Meritt, Inc. and/or Condev Group, Inc., would like to transfer the risk of their investment onto adjacent property owners. While this may make good business sense, it hardly makes for good neighbors. They bought property zoned Single Family - 3, as did we all. They are under no hardship and are free to develop this property within the existing zoning.

8. Finally, the City's own definition of LR-MU states that this neighborhood commercial district is "intended ...predominately for the convenience of residents of the neighborhood." If this site were on North Loop, I believe that might fit the description, but not here. Don Smith admitted to me that one reason that he chose this site was precisely to capitalize on the high volume of traffic. This puts us at cross-purposes for any future traffic calming measures. This expansion of "cut through" traffic that will result will surely not be "for the convenience of the residents of the neighborhood."

As homeowners within 300 feet of the subject property, my husband and I obviously have a personal stake in this case. However, this is not just about our family; it is about our community, too. We love this part of Austin for its diversity and quirkiness, not to mention the trees, gardens, and well-maintained property that come from living amid mostly owner-occupied homes. We have almost everything we need within walking distance or on a bus route. We live here because we do not like to drive, much less commute. Ironically commuters living elsewhere are daily speeding past our homes on E 51st Street eroding our quality of life. Adding a commercial destination to this mix will certainly encourage more traffic on E 51st Street and further erosion of our community.

We greatly appreciate the efforts of the City Council, Planning Commission, City Staff and the North Loop Neighborhood Planning Team for producing such an appropriate plan to address our community's future. We look forward to its implementation. This rezoning request, and plan amendment process has caused division in our community. Please, uphold the North Loop Neighborhood Plan as it stands and deny this amendment to allow rezoning. Thank you for your consideration.

Very Truly Yours,

   
Lisa and David Hoffman



## Maya and Chris Gamble

5100 Avenue F  
Austin, TX 78751

April 7, 2004

### VIA ELECTRONIC MAIL AND HAND DELIVERY

Ms. Lydia Ortiz  
Planning Commissioner  
PO Box 2655  
Austin, Texas 78768

Re: Amendment to Neighborhood Plan (File Number: C14-04-0015) and Proposed Zoning Change (File Number: NPA-04-0011.01) at 100-104 East 51<sup>st</sup> and 0 East 51<sup>st</sup>

Dear Ms. Ortiz:

I am writing to express my strong opposition to the application for an amendment to the North Loop Neighborhood Plan and proposed zoning change for property located at 100-104 East 51<sup>st</sup> Street and 0 East 51<sup>st</sup> Street (herein referenced as 100-104 East 51<sup>st</sup> Street). I reside at 5100 Avenue F and own property immediately adjacent to the 100-104 E 51<sup>st</sup> Street property. I oppose any amendment to the North Loop Neighborhood Plan for this property and I oppose any zoning change at all for the property at 100-104 E 51<sup>st</sup> Street. I have numerous reasons for my opposition, as detailed below. In addition, I have spoken with many of my neighbors while collecting signatures opposed to proposed amendment and zoning change and the vast majority of the neighbors I spoke with are opposed as well.

### **Reasons Why The Proposed Amendment and Zoning Change Should Not Pass**

#### 1. Existing Neighborhood Plan and Future Land Use Map Plan for SF3

The North Loop Planning Team spent approximately two years and many hours developing a comprehensive neighborhood plan encompassing 100-104 East 51<sup>st</sup> Street. This neighborhood plan identifies commercial corridors within the neighborhood (53<sup>rd</sup> Street, Lamar, and Airport, to name a few) not including 51<sup>st</sup> Street. The entire property at issue is identified as Single Family 3 (SF3) in both the Current Use Map and the Future Use Map that the Planning Team created. The neighborhood plan was developed to ensure the integrity of the neighborhood and guide growth. The plan should not be easily amended, particularly not when the adjacent neighborhood opposes the amendment. The neighborhood plan should not be amended and a subsequent zoning change for 100-104 East 51<sup>st</sup> should not be approved.

#### 2. Mr. Rhodes Knowingly Purchased Property Zoned SF3

The owner/developer of 100-104 E 51<sup>st</sup> Street, Mike Rhodes, admits that he purchased the land zoned SF3 with the intention of seeking a zoning change. All of the adjacent and nearby landowners purchased their homes zones SF3 presumably with the intention to keep the zoning SF3 and to enjoy the benefits such zoning brings to a neighborhood. Mr. Rhodes is an investor; he was aware of the zoning

before he bought his property and should not now be allowed to change that zoning to improve his investment. Each property owner in this neighborhood takes some risk when making their purchase, but each of us based that risk on the zoning SF3—to allow Mr. Rhodes to change the zoning of his property transfers his investment risk onto the neighboring landowners. It is unfair to change the zoning against the wishes of the majority of the neighboring landowners and it sets a bad precedent to encourage developers and investors to buy up SF3 properties with the intention of changing that zoning to a more intensive use later. The neighborhood plan should not be amended and the zoning should not be changed.

### 3. Traffic on 51<sup>st</sup> Street at this Location is Dangerous and Will Only Get Worse

Traffic on this section of 51<sup>st</sup> Street is extremely dangerous and will only get worse as already planned commercial and residential developments are constructed (including The Triangle, less than a mile away, and Robert Mueller Airport). Between I35 and Guadalupe there is only one stop sign, and that is at a confusing five way stop at Duval/Bruning/51<sup>st</sup> Street. Vehicles routinely reach speeds greater than 50 miles per hour on the stretch of 51<sup>st</sup> Street between Duval and Guadalupe. This is further heightened by the incline prior to Avenue F and the curve parallel to the State Cemetery. As the owner of the residence at the corner of Avenue F and 51<sup>st</sup> Street, I am all too aware of accidents that routinely occur at this intersection.

During the peak hours of commuting, vehicles are backed up for blocks resulting from the five-way stop at Duval. Eastbound commuters on 51<sup>st</sup> Street are commonly in line beginning at the State Cemetery because of the Duval stop sign. Westbound vehicles attempting to turn against traffic are typically unable to do so because commuting vehicles block driveways and actual streets. As I previously mentioned, when traffic is not at a standstill, speeding vehicles remain a hazard.

Development of 100-104 East 51<sup>st</sup> Street would result in greater difficulties for vehicles entering and exiting 51<sup>st</sup> Street as well as the potential for more vehicles originating from 100-104 East 51<sup>st</sup> Street. The existing commercial development on 51<sup>st</sup> Street at Duval fronts other streets (Duval and Bruning respectively) so there is no direct turning from 51<sup>st</sup> Street into parking spots or access roads and on-street parking is available on the fronted streets. Furthermore, Bruning has less traffic than 51<sup>st</sup> Street and Duval is a wider street. But even given these more favorable conditions, the 51<sup>st</sup> Street and Duval intersection is still made more difficult due to commercial development. The location of 100-104 East 51<sup>st</sup> Street locked between the State Cemetery and a SF-3-Family Residence with a hill to the west on 51<sup>st</sup> Street and a significant curve in 51<sup>st</sup> Street to the East with no available on-street parking will be untenable. Potential patrons or residences will be unable to see the property when traveling eastbound on 51<sup>st</sup> Street until they are parallel or past the property because of the hill at Avenue F. An amendment to the neighborhood plan and subsequent rezoning of 100-104 East 51<sup>st</sup> Street will complicate the precarious traffic situation facing the neighborhood and result in more traffic problems and perhaps traffic fatalities.

### 4. Rezoning to a More Intensive Use Will Cause Overflow Parking on Avenue F

The traffic problem is complicated by the lack of street parking on 51<sup>st</sup> Street that results in increased parking on Avenue F. The rezoning of 100-103 East 51<sup>st</sup> Street to a more intensive zoning district would exacerbate the parking problems on Avenue F. Again, I cite the existing development at 51<sup>st</sup> Street and Duval. In addition to the existing commercial parking, there is on-street parking available on Duval and Bruning. Duval is a wider street than 51<sup>st</sup> Street and Bruning offers less traffic as I have indicated previously and there is no direct parking from 51<sup>st</sup> Street available. Given all of these preferred conditions, the commercial available parking is insufficient and vehicles are continuously parked on Duval and Bruning for blocks with customers patronizing the businesses. Any change in zoning to 100-104 East 51<sup>st</sup> Street allowing commercial or high density residential use will cause overflow parking falling to Avenue F and Rowena which are already oversaturated in terms of available parking.

#### 5. There is No Need for More Commercial Development in the Area

There is sufficient commercial development (occupied and available) within blocks of the site in all directions. The entire stretch of North Loop Boulevard from the State Cemetery to Airport is commercial/mixed use as is the intersection at 51<sup>st</sup> Street and Duval. In addition, all of Airport from 2222 to IH-35 is commercial/ mixed use. Many new commercial/mixed use developments are in progress including one at North Loop and Evans that will accommodate a restaurant among other uses. The Triangle is less than a mile away and is not yet fully leased. Each of these current commercial/ mixed use zones offer better amenities in terms of access from the fronting street, wider fronting streets, available parking, and the value of being in known business districts. Development of 100-104 East 51<sup>st</sup> would be isolated between the State Cemetery and a SF-3 neighborhood without even visual site lines (the hill west of the property makes it impossible for eastbound traffic to see the property until parallel or past the property). The approval of a plan amendment and a zone change for 100-104 East 51<sup>st</sup> to any type of use other than SF-3- Family Residence is completely unnecessary and detrimental to the viability of existing commercial venues. There are sufficient businesses and facilities for the "convenience of residents of the neighborhood."

#### 6. Neighbors Property Values Will Be Hurt by the Proposed Development

The rezoning of 100-104 East 51<sup>st</sup> will negatively impact the value of properties in the immediate area. As I previously indicated I bought my property based on the family residence zoning of the adjacent properties and undoubtedly paid a premium for my property, as I am sure my neighbors did as well. Properties adjacent to commercial development do not retain the same values as properties in residential-only classifications. I fear if rezoning of any type is allowed to proceed, the families in the adjacent properties will leave the neighborhood and turn their houses into rental properties or sell them to developers that will seek to change these homes into commercially zoned properties.

If 100-104 East 51<sup>st</sup> is rezoned, this will lead to a domino effect of zoning changes along 51<sup>st</sup> Street, resulting in pockets of houses isolated from each other and diminishing any sense of a neighborhood. While there are many difficulties with 51<sup>st</sup> Street at present, there are positive developments underway, such as the expansion of 2222, which should alleviate cut-through traffic on 51<sup>st</sup> Street and throughout the area, allowing the neighborhood to reclaim a sense of cohesiveness. If the property at 100-104 East 51<sup>st</sup> Street is rezoned and a plan amendment is approved to the neighborhood plan, regardless of other initiatives, the neighborhood will be lost to isolated pockets of houses, diminishing property values, and families will be discouraged from attempting to actually live in this part of central Austin.

#### 7. Developer and Owner Mike Rhodes Has Behaved Unethically Throughout This Process

In the summer of 2002, Mr. Rhodes distributed flyers describing himself as a "concerned neighbor" and suggested meeting to discuss the proposed development at 100-104 East 51<sup>st</sup> Street. Mr. Rhodes did not indicate in his flyer any involvement with the project and was evasive when asked directly whether he had an interest in the development of the property. The North Loop Planning Team asked Mr. Rhodes and his agent Don Smith (also Vice-Chair of the North Loop Planning Team) to go door to door within the 300-foot radius and speak to each property owner, but they did not do so.

#### 8. A Majority of the Property Owners Within 200' Are Opposed to Any Zoning Change

I have spent many hours of my time going door to door and discussing the proposed plan amendment and zoning change with my neighbors and the vast majority of them are vehemently opposed to any such change. Despite the fact that 100-104 East 51<sup>st</sup> Street is faced on one side with the State Cemetery, we collected more than enough signatures to force a super-majority vote should the City Council decide to approve a zoning change.

I join with my neighbors in imploring you to not accept an amendment to the neighborhood plan nor the proposed zoning change as related to 100-104 East 51<sup>st</sup> Street. Mr. Rhodes and Mr. Smith have many options to develop the property under the current SF3 zoning, including building a total of five duplexes (10 units) in place of the existing dwellings. I believe this would be an acceptable scenario for all parties and fair to the settled expectations of all the property owners in the area, not just Mr. Rhodes.

I urge you to vote NO on both the North Loop Neighborhood Plan amendment and the zoning change for 100-104 East 51<sup>st</sup> Street.

Very Truly Yours,



Maya Guerra Gamble



Chris Gamble

615 East 48<sup>th</sup> Street  
Austin, Texas 78751

April 6, 2004

**RE: Amendment to Neighborhood Plan (File Number: C14-04-0015) and Proposed Zoning Change (File Number: NPA-04-0011.01) at 100-104 East 51<sup>st</sup> and 0 East 51<sup>st</sup>**

Dear Planning Commission Members,

I am writing to express my opposition to the proposed application for an amendment to the North Loop Neighborhood Plan and proposed zoning change for property located at 100-104 East 51<sup>st</sup> Street and 0 East 51<sup>st</sup> Street (herein referenced as 100-104 East 51<sup>st</sup>). I reside at 615 East 48<sup>th</sup> Street, and because of my proximity to the property in question, feel that I am a stakeholder in this requested change. My opposition to both the plan amendment and zoning change are as follows:

**Existing Neighborhood Plan**

The existing neighborhood plan was carefully put together. It took the North Loop Planning Team over two years of very hard and detailed work to formulate the plan that is in place today. Were in not for a developer purchasing SF-3 property with the intention of converting it to commercial use, this case would never be before you today. In fact, the chairman of the North Loop Planning Team himself told me that had the developer/owner not requested this change, they planning team never would have requested a change.

The developer, in an open public meeting, very clearly stated that he purchased the property with full knowledge that it was zoned SF-3. He also had full intention of requesting a change for commercial use. This is simply unfair to all the adjacent property owners who purchased their homes in an area that was clearly designated, and planned, as SF-3. The developer is hoping that this zoning change will be made so that he and his company, solely, will profit from the development. He never considered the detrimental economic impact to adjacent property owners. In short, had the developer wanted a commercial property, he should have purchased a commercial property.

In the North Loop area there is no shortage of available commercial, retail, office, and warehouse space available for lease or purchase. A change from SF-3 to any other designation will economically benefit only the developer. It will have adverse economic impact upon the 28 properties immediately surrounding the site, and beyond. These average property owners should not be penalized by the profit motive of one corporation.

**Traffic**

As Austin has grown, 51<sup>st</sup> Street has not. However, the city's policy of continuing infill has brought more and more traffic to this area. 51<sup>st</sup> Street has been particularly hard hit. As it is today, the street is heavily congested and dangerous. With the further development of The Triangle and Robert Mueller Airport, the traffic along 51<sup>st</sup> Street will become a main thoroughfare and the level of traffic will increase exponentially.

**Parking**

Any commercial development large enough to make economic sense to the developer will surely bring more cars than the site will be able to accommodate. This will mean that there will be intense parking on the adjacent residential streets on both sides of 51<sup>st</sup>. This is already a dangerous road. Putting additional pedestrians darting through the building traffic will not be conducive to a safe environment.

Additionally, the side streets are already burdened with cars belonging to property owners and their guests. As traffic has built up over the years, many of these streets have become through streets for commuters and others looking for ways to avoid the city's expanding traffic problems.

**Lack of Integrity and Ethics on behalf of the Developer, Mr. Rhodes**

In the summer of 2002, many adjacent property owners learned of potential development at 100-104 East 51<sup>st</sup> through a flyer left on their doors by Mr. Rhodes. This occurred prior to any notice by the City of Austin that a zoning change would be requested. The flyer indicated he was a "concerned" neighbor and suggested a meeting a day or two later at his residence to discuss the possible development. He did not indicate in his flyer any involvement with the project. At least one property owner called the various contact numbers offered on the flyer and spoke directly with Mr. Rhodes.

That caller was straightforward in noting their opposition to the zoning change (as cited previously in the course of this correspondence.) Mr. Rhodes indicated he was in favor of the development and assured the caller only upscale duplexes would be built. The caller agreed this would be an improvement over the current duplexes. However, when questioned if his intention was to replace the current dwellings with higher quality housing then why was a zoning change necessary? Mr. Rhodes was also asked, given his enthusiasm for the project, if he was the developer or in any way affiliated with the project. In both responses he was evasive and duplicitous. The caller only learned of his true involvement when notified by the City of Austin of a proposed zoning change. He pointedly lied to the property owner about the project and his involvement in said project. Given the strong objections to the zoning change by neighbors within 300 feet of the subject property and neighbors in surrounding areas including the Hyde Park Neighborhood Association, the zoning change request was rescinded by Mr. Rhodes.

In another instance, Mr. Rhodes and his development company purchased a house in Patterson Heights (a very small subdivision within the Hyde Park Neighborhood Association area). Patterson Heights has very specific and valid deed restrictions in regards to the building of duplexes and garage apartments. It was Mr. Rhodes intention to build a duplex on the site. The lot where Mr. Rhodes wanted to build his duplex was clearly not designated as a site where duplexes are permitted. These deed restrictions have been in place since Patterson Heights was platted. That was long, long before Mr. Rhodes was even born.

These deed restrictions were very clearly explained to Mr. Rhodes by many of the neighbors. Despite this, he persisted in his plans. My wife and I, along with 9 other households in my neighborhood, each contributed \$100 (for a total of \$1,000.00) in order to hire an attorney so that we could preserve our neighborhood. That is \$100 I'll never see again (despite a public request to Mr. Rhodes for reimbursement). Only a year later, Mr. Rhodes now wants to build a garage apartment on that same site. I fear that once again, Mr. Rhodes will force us to take legal action to protect the neighborhood we so love.

All of this speaks to the integrity of Mr. Rhodes and his development company. In short, buy it cheap, bully the neighbors, and try to make a buck at their expense. This is true of the property on

51<sup>st</sup> Street as well as the house I described in my neighborhood. In neither of these cases has Mr. Rhodes, or his development company, acted with good faith or integrity.

#### **Regarding SF-5**

I join with my neighbors in imploring you to not accept an amendment to the neighborhood plan nor the proposed zoning change as related to 100-104 East 51<sup>st</sup>. The option is already available within the existing SF-3- Family Residential classification for Mr. Rhodes and Mr. Smith to build a total of five duplexes (10 units) in place of the existing dwellings. This will allow the same type of densification and infill that SF-5 would provide. Please keep in mind that Mr. Rhodes, his development company, and Mr. Smith have not requested SF-5 zoning. The North Loop Planning Team has not requested SF-5 zoning, either now, or when they spent in excess of two years putting together their neighborhood plan.

#### **Conclusion**

There is already a valid petition showing that the immediate surrounding property owners (the ones who would be most impacted) clearly do not want *any* zoning change. The only reason that the percentage of opponents on the petition is not higher is that a large majority of the surrounding property is owned by the State of Texas (State Cemetery and Texas Parks and Wildlife Depot).

Logic would dictate that the zoning should remain SF-3. The petitioner's client knowingly purchased inexpensive SF-3 property with the sole intention of converting it to commercial. Commercial property is more expensive, so this was a calculated gamble for him. Please don't reward this risky gamble at the expense of surrounding property owners. In addition, Mr. Rhodes ethics and tactics should not be rewarded either.

Please feel free to contact me at any time regarding this manner. I can be reached by phone at (512) 323-0779 or via e-mail at: [motorbruce@hotmail.com](mailto:motorbruce@hotmail.com).

Sincerely,  
Bruce W. Nadig

5101 Avenue F  
Austin, Texas 78751

March 3, 2004

Ms. Lydia Ortiz  
PO Box 2655  
Austin, Texas 78768

**RE: Amendment to Neighborhood Plan (File Number: C14-04-0015) and Proposed Zoning Change  
(File Number: NPA-04-0011.01) at 100-104 East 51<sup>st</sup> and 0 East 51<sup>st</sup>**

Dear Ms. Ortiz:

I am writing to express my opposition to the application for an amendment to the North Loop Neighborhood Plan and proposed zoning change for property located at 100-104 East 51<sup>st</sup> Street and 0 East 51<sup>st</sup> Street (herein referenced as 100-104 East 51<sup>st</sup>). I reside at 5101 Avenue F and am a property owner within 300 feet of the subject property. My opposition to both the plan amendment and zoning change are as follows:

**(1) Existing Neighborhood Plan**

When I selected my property in December 1999 and prior to purchase, I investigated the zoning of all adjacent properties as well as the greater Highlands and Hyde Park Subdivisions. I wanted to assure my investment would be financially beneficial and desired neighborhood characteristics would remain intact. I was and remain a strong advocate for residing in central Austin. Consequently, I anxiously followed the neighborhood planning efforts; including making various calls to the City of Austin Neighborhood Planning Liaison, to assure that my investment in this neighborhood would not be compromised. I knew Avenue F, 51<sup>st</sup> Street, and the immediate surrounding area remained classified SF-3- Family Residential at the time I bought my property and after the extensive planning process was completed and the neighborhood plan was adopted. Similarly, when the properties at 100-104 East 51<sup>st</sup> were procured by Mike Rhodes (and his incorporated partners), he knew the properties were classified as SF-3- Family Residential. I believe Mr. Rhodes continued efforts to rezone the property exemplify he acted in bad faith in his procurement and such questionable business practices should not be rewarded with a zoning change. Further, myself and my neighbors who acted in good faith pursuing a SF-3- Family Residence surrounded by other SF-3- Family Residences should not be penalized for poor business acumen on the behalf of Mr. Rhodes.

The neighborhood plan was developed to ensure the integrity of the neighborhood and guide growth. The plan should not be easily amended based on the desires of developers but should rather be guided by the needs of the neighborhood as best deemed by those actually living in the neighborhood and in the case of conflicts, by those actually impacted by potential development. If the neighborhood plan is easily amended then what is the value of a neighborhood plan? The neighborhood plan should not be amended and a subsequent zoning change for 100-104 East 51<sup>st</sup> should not be approved.

**(2) Traffic**



Traffic is a continuous problem for residences living near 51<sup>st</sup> Street, as I imagine it is for most residences of central Austin. The street has become a cut through for suburban commuters. There is a five way stop at Duval then no traffic calming device nor deterrent till the stop light at Guadalupe. Vehicles routinely reach speeds greater than 50 miles per hour on the stretch of 51<sup>st</sup> Street between Duval and Guadalupe. This is further heightened by the incline prior to Avenue F and the curve parallel to the State Cemetery. As the owner of the residence at the northeast corner of Avenue F and 51<sup>st</sup> Street, I am all too aware of accidents that routinely occur at this intersection. If I were to level my house and have a completely vacant lot, anyone venturing off Avenue F onto 51<sup>st</sup> Street would still be unable to see vehicles approaching from the east due to the hill.

During the peak hours of commuting, vehicles are backed up for blocks resulting from the five way stop at Duval. Eastbound commuters on 51<sup>st</sup> Street are commonly in line beginning at the State Cemetery because of the Duval stop sign. Westbound vehicles attempting to turn against traffic are typically unable to do so because commuting vehicles block driveways and actual streets. As I previously mentioned, when traffic is not at a standstill, speeding vehicles remain a hazard. I regularly sit 15 minutes or more in my driveway waiting to safely enter the street.

Development of 100-104 East 51<sup>st</sup> would result in greater difficulties for vehicles entering and exiting 51<sup>st</sup> Street as well as the potential for more vehicles originating from 100-104 East 51<sup>st</sup>. The existing commercial development on 51<sup>st</sup> Street at Duval fronts other streets (Duval and Bruning respectively) so there is no direct turning from 51<sup>st</sup> Street into parking spots or access roads and on-street parking is available on the fronted streets. Furthermore, Bruning has less traffic than 51<sup>st</sup> Street and Duval is a wider street.) But even given these more favorable conditions, the 51<sup>st</sup> Street and Duval intersection is still made more difficult due to commercial development. The location of 100-104 East 51<sup>st</sup> locked between the State Cemetery and a SF-3-Family Residence with a hill to the west on 51<sup>st</sup> Street and a significant curve in 51<sup>st</sup> street to the East with no available on-street parking will be untenable. Potential patrons or residences will be unable to see the property when traveling eastbound on 51<sup>st</sup> Street until they are parallel or past the property because of the hill at Avenue F. An amendment to the neighborhood plan and subsequent rezoning of 100-104 East 51<sup>st</sup> will complicate the precarious traffic situation facing the neighborhood and result in more traffic problems and perhaps traffic fatalities.

### **(3) Parking**

The traffic problem is also complicated by the lack of street parking. There is no parking on 51<sup>st</sup> Street which results in parking at a premium on Avenue F. I routinely am unable to find street parking in front of my own house due to the number of cars present. The rezoning of 100-103 East 51<sup>st</sup> to any other zoning district would complicate the parking problems on Avenue F. Again, I cite the existing development at 51<sup>st</sup> Street and Duval. In addition to the existing commercial parking, there is on-street parking available on Duval and Bruning. Duval is a wider street than 51<sup>st</sup> Street and Bruning offers less traffic as I have indicated previously and there is no direct parking from 51<sup>st</sup> Street available. Given all of these preferred conditions, the commercial available parking is insufficient and vehicles are continuously parked on Duval and Bruning for blocks with customers patronizing the businesses. A plan amendment and subsequent zoning change to 100-104 East 51<sup>st</sup> will result in insufficient parking for any commercial or high density residential use and the overflow for parking will fall to Avenue F and Rowena which are already oversaturated in terms of available parking.

### **(4) Commercial Development**

There is sufficient commercial development (and available commercial properties) within blocks of the site in all directions. The entire stretch of North Loop Boulevard from the State Cemetery to Airport is commercial/mixed use as is the intersection at 51<sup>st</sup> Street and Duval. In addition, all of Airport from 2222 to IH-35 is commercial/ mixed use and I understand a new development is planned for North Loop and Evans which will accommodate a restaurant and other mixed use developments. Each of these current

commercial/ mixed use zones offer better amenities in terms of access from the fronting street, wider fronting streets, available parking, and the value of being in known business districts. Development of 100-104 East 51<sup>st</sup> would be isolated between the State Cemetery and a SF-3- Family Residence without even visual site lines (the hill west of the property makes it impossible for eastbound traffic to see the property until parallel or past the property). The approval of a plan amendment and a zone change for 100-104 East 51<sup>st</sup> to any type of use other than SF-3- Family Residence is completely unnecessary and detrimental to the viability of existing commercial venues. There are sufficient businesses and facilities for the "convenience of residents of the neighborhood."

#### **(5) Property Values**

The rezoning of 100-104 East 51<sup>st</sup> will negatively impact the value of properties in the immediate area. As I previously indicated I bought my property based on the family residence zoning of the adjacent properties and undoubtedly paid a premium for my property as I am sure my neighbors did as well. Properties adjacent to commercial development do not retain the same values as properties in residential-only classifications. I fear if rezoning of any type is allowed to proceed, each property owner will be forced to sell their residence at a loss for future commercial development.

If 100-104 East 51<sup>st</sup> is rezoned, this will lead to a domino effect of zone changes along 51<sup>st</sup> Street, resulting in pockets of houses isolated from each other and diminishing any sense of a neighborhood. While there are many difficulties with 51<sup>st</sup> Street at present, there are positive developments underway, such as the expansion of 2222, which should alleviate cut-through traffic on 51<sup>st</sup> Street and throughout the area, allowing the neighborhood to reclaim a sense of cohesiveness. If the property at 100-104 East 51<sup>st</sup> is rezoned and a plan amendment is approved to the neighborhood plan, regardless of other initiatives, the neighborhood will be lost to isolated pockets of houses, diminishing property values, and people will be discouraged from attempting to actually live in central Austin.

#### **(6) Lack of Integrity and Ethics on behalf of the Developer, Mr. Rhodes**

In the summer of 2002, I learned of potential development at 100-104 East 51<sup>st</sup> through a flyer left on my door as well as those of my neighbors by Mr. Rhodes. This occurred prior to any notice by the City of Austin that a zoning change would be requested. The flyer indicated he was a "concerned" neighbor and suggested a meeting a day or two later at his residence to discuss the possible development. He did not indicate in his flyer any involvement with the project. I called the various contact numbers offered on the flyer and spoke directly with Mr. Rhodes.


I was straightforward in noting my opposition to the zoning change (as cited previously in the course of this correspondence.) Mr. Rhodes indicated he was in favor of the development and assured me only upscale duplexes would be built. I agreed this would be an improvement over the current duplexes. However, I questioned if his intention was to replace the current dwellings with higher quality housing then why was a zoning change necessary? I also asked, given his enthusiasm for the project, if he was the developer or in any way affiliated with the project. In both responses he was evasive and duplicitous. I only learned of his true involvement when notified by the City of Austin of a proposed zoning change. He pointedly lied to me about the project and his involvement in said project. Given the strong objections to the zoning change by neighbors within 300 feet of the subject property and neighbors in surrounding areas including the Hyde Park Neighborhood Association, the zoning change request was rescinded by Mr. Rhodes.

In his current request to amend the neighborhood plan and proposed zoning change, Mr. Rhodes is now represented by his agent, Don Smith. Based on Mr. Rhodes lack of integrity and ethical behavior toward myself and other property owners during his initial efforts to obtain a zoning change for 100-104 East 51<sup>st</sup>, I am circumspect in believing any comments by him or Mr. Smith concerning Mr. Rhodes true intentions for the property at issue.

I join with my neighbors in imploring you to not accept an amendment to the neighborhood plan nor the proposed zoning change as related to 100-104 East 51<sup>st</sup>. The option is already available within the existing SF-3- Family Residential classification for Mr. Rhodes and Mr. Smith to build a total of five duplexes (10 units) in place of the existing dwellings. I believe this would be an acceptable scenario for all parties and adheres to the proposal originally presented to my by Mr. Rhodes in the summer of 2002.

If you have any questions or need additional information related to this letter, I can be reached at (512) 302-3386 or via email at [Brighton@austin.rr.com](mailto:Brighton@austin.rr.com)

Sincerely,

Tina Dacus /s/ Mg. 

Tina Dacus

Steve Harrington  
5014 Avenue F  
Austin, Texas 78751

April 7, 2004

**Austin City Planning Commission:**

Ms. Maggie Armstrong  
PO Box 26883  
Austin, Texas 78755-0883

Mr. Chris Riley  
1310 San Antonio  
Austin, Texas 78701

Ms. Cynthia Medlin  
2501 Wilson Street  
Austin, Texas 78704

Ms. Niyanta Spelman  
3802 Avenue F  
Austin, Texas 78751

Mr. Matthew Moore  
702 Spofford Street  
Austin, Texas 78704

Dr. David Sullivan  
1710 Waterston Avenue  
Austin, Texas 78703

Ms. Lydia Ortiz  
PO Box 2655  
Austin, Texas 78768

**RE: Amendment to Neighborhood Plan (File Number: C14-04-0015) and  
Proposed Zoning Change (File Number: NPA-04-0011.01) at 100-104 East 51<sup>st</sup> and 0 East 51<sup>st</sup>**

Dear Commission Members,

I am writing to express my vehement opposition to the application for an amendment to the North Loop Neighborhood Plan and proposed zoning change for the property located at 100-104 East 51<sup>st</sup> Street and 0 East 51<sup>st</sup> Street. I reside at 5014 Avenue F and am a property owner within 300 feet of the subject property. I have signed the petition against the proposed change, as have most of my neighbors. You should be aware that the percentage of neighbors within 300 feet who have signed the petition (as measured by square footage), although sufficient to force a super-majority at city council, is actually artificially low; a large part of the property abuts the state cemetery and it is not feasible to get a signature from the State of Texas to oppose the zoning change. However, the vast majority of the citizens within 300 feet oppose this proposal, as you will see from the petition.

In addition to those within 300 feet who are in opposition, a large number of neighbors outside 300 feet also oppose the proposal, as evidenced by the large number of signatures on the petition. I urge you to consider the desires of hundreds of neighbors and contrast them with the desires of the developing corporation and a handful of members of the neighborhood planning team.

My opposition to both the plan amendment and zoning change are enumerated in the following paragraphs. I appreciate your attention and patience in reading through these concerns.

### **(1) Existing Neighborhood Plan and Desires of the Neighbors**

The neighborhood plan was developed to ensure the integrity of the neighborhood and guide growth. The plan should not be easily amended based on the desires of *corporations* but should rather be guided by the needs and desires of the *citizens* as best deemed by those actually living in the neighborhood. While it is true that a small minority of neighbors, who happen to control the neighborhood planning team, have elected to support the proposed amendment, these neighbors are in the minority – please see the petition for factual support of this statement.

Also, there is some concern that personal friendships with the developer and architect may have affected the neighborhood planning team's ability to be objective on this case. The architect, Don Woods, is a member of the neighborhood planning team. While he abstained from voting on this issue, I suspect that his participation in the project has affected the judgement and objectivity of the neighborhood team. I can think of no other reason for the neighborhood planning team to vote in strict opposition to the desires of the majority of neighbors (again, see the petition for evidence of the neighbor's desires).

### **(2) Traffic**

In an effort to convince others that this rezoning is a good idea, the developing corporation often uses the word "unique" to describe the property. While many of the arguments for the property's uniqueness are incorrect, one area in which the property truly is unique is with respect to traffic. I am not exaggerating when I say that this property is located at the single worst location for traffic, especially pedestrian traffic, in the entire neighborhood. The reasons are as follows:

- a) **51<sup>st</sup> is an arterial:** This precludes speed bumps or other traffic calming measures which might help alleviate the dangers for pedestrian traffic in the area.
- b) **Poor visibility and sight lines in both directions:** From the subject property, towards the east, there is a hill which obscures cars coming from this direction. Depending on traffic conditions, cars are often coming at high speed and cannot be seen until they have crested the hill, at which point it may be too late to react. Towards the west, there is a blind curve. Depending on where a person is located, it may be impossible to see oncoming cars coming from this direction. For example, exiting Rowena it is literally impossible to see oncoming traffic, which often approaches at high speed.
- c) **High speed traffic:** As previously mentioned, depending on the time of day and the traffic conditions, cars are frequently traveling at high speeds – sometimes exceeding 50 m.p.h. This, combined with the aforementioned blind spot and hill, is a recipe for disaster, particularly for pedestrian or bicycle traffic.
- d) **Rush hour traffic:** When traffic is light, cars often travel at high speed on 51<sup>st</sup>. However, during rush hour, the traffic situation is horrible and only going to get worse with the development of the "triangle" at 45<sup>th</sup> and Lamar and the development of the old airport. Even now, prior to these developments being completed, rush hour traffic is bumper to bumper from 51<sup>st</sup> and Duval past the state cemetery. Adding additional commercial traffic to this would be a nightmare.

### **(3) Parking**

Zoning ordinances and parking regulations notwithstanding, common sense tells us that the parking for a commercial establishment is *rarely* sufficient. As evidence of this, one can drive by many of the area's surrounding LR-MU and commercial properties and witness overflow parking on the side streets. Given

that most of the homes in the area are older and many do not have garages, it is the norm for residents to park on the street. Consequently, there is already a large number of cars on the street. Adding additional cars to this mix will not only make the traffic situation and pedestrian/bicycle dangers greater, but also cause general noise and annoyances for the neighbors.

#### **(4) Commercial Development**

There is sufficient commercial development (and available commercial property) within blocks of the site in all directions. In fact, had the developing corporation really wanted commercial property in the area, it would have been well served to purchase such property rather than property that was zoned SF-3. It is not too late for the corporation to do so, as many available properties are still on the market. Of course, by purchasing property that is appropriately zoned, it might have been harder for the developing corporation to turn a profit at the expense of the neighbors via rezoning. The "triangle" at 45<sup>th</sup> and Lamar, which is currently being developed, is close to the subject property, as are many other available properties.

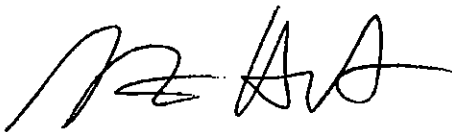
#### **(5) Property Values**

The rezoning of 100-104 East 51<sup>st</sup> will positively impact the value of the property for the developing corporation. Unfortunately, this is a zero-sum game – the corporation's gain in property value will be offset by the residents' losses. If you doubt that proximity to commercial property lowers the surrounding value of residential properties, ask any residential real estate agent.

#### **In Conclusion:**

I join with my neighbors in imploring you to not accept an amendment to the neighborhood plan nor the proposed zoning change as related to 100-104 East 51<sup>st</sup>. The developer has many options available within the existing SF-3- Family Residential classification. The neighbors will be happy to work with Mr. Rhodes, the developing corporation's agent, on any concerns he has with respect to developing the property under SF-3 zoning. I am sure that we can work out any concerns the developing corporation has with respect to SF-3. Thank you for your attention in this matter. If you have any questions or need additional information related to this letter, I can be reached at (512) 750-9460 or via email at [steve\\_ha@swbell.net](mailto:steve_ha@swbell.net).

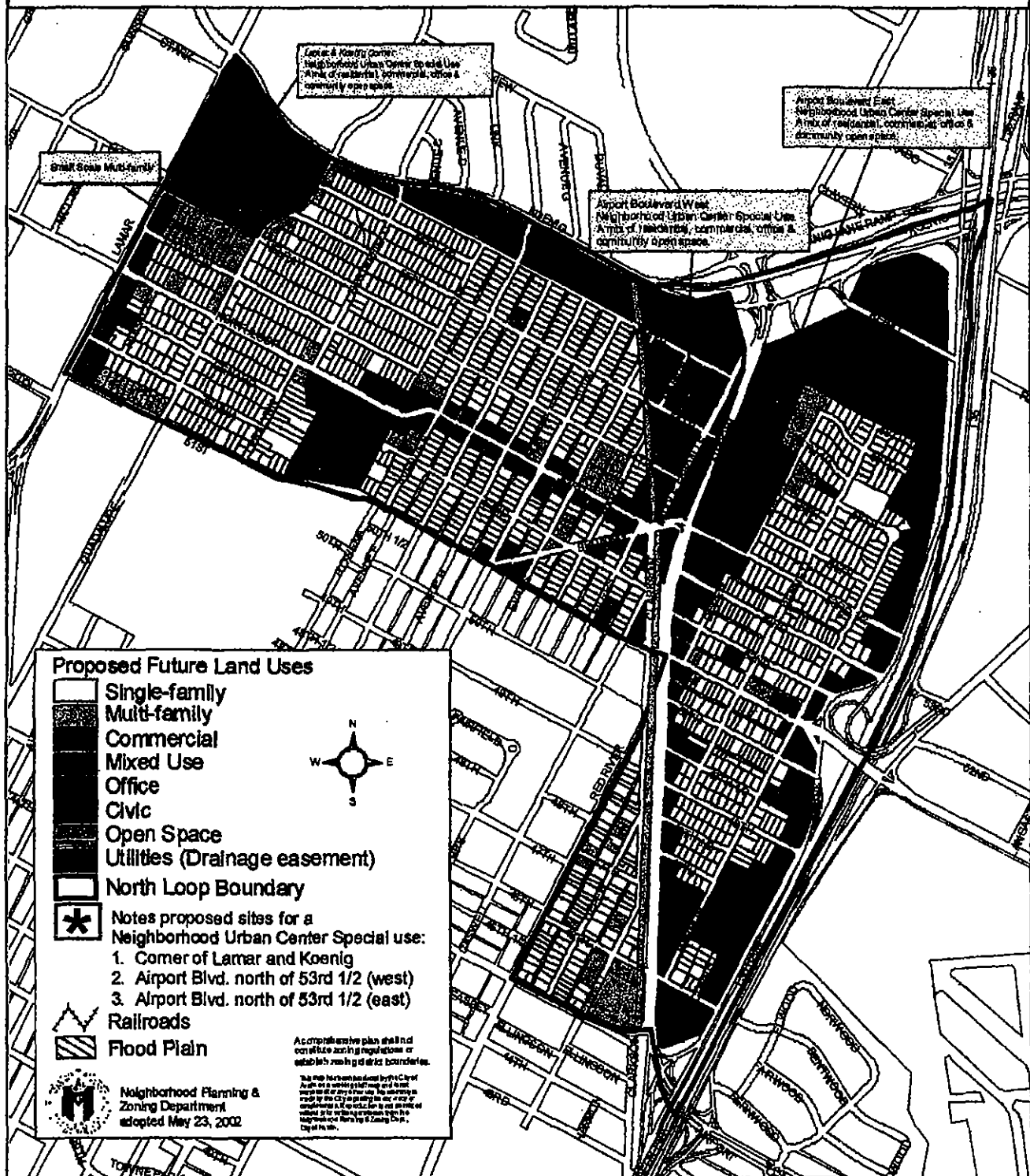
Sincerely,



Steve Harrington

3. Future Land Use Map from the North Loop Neighborhood Plan.

# Adopted North Loop Future Land Use Map



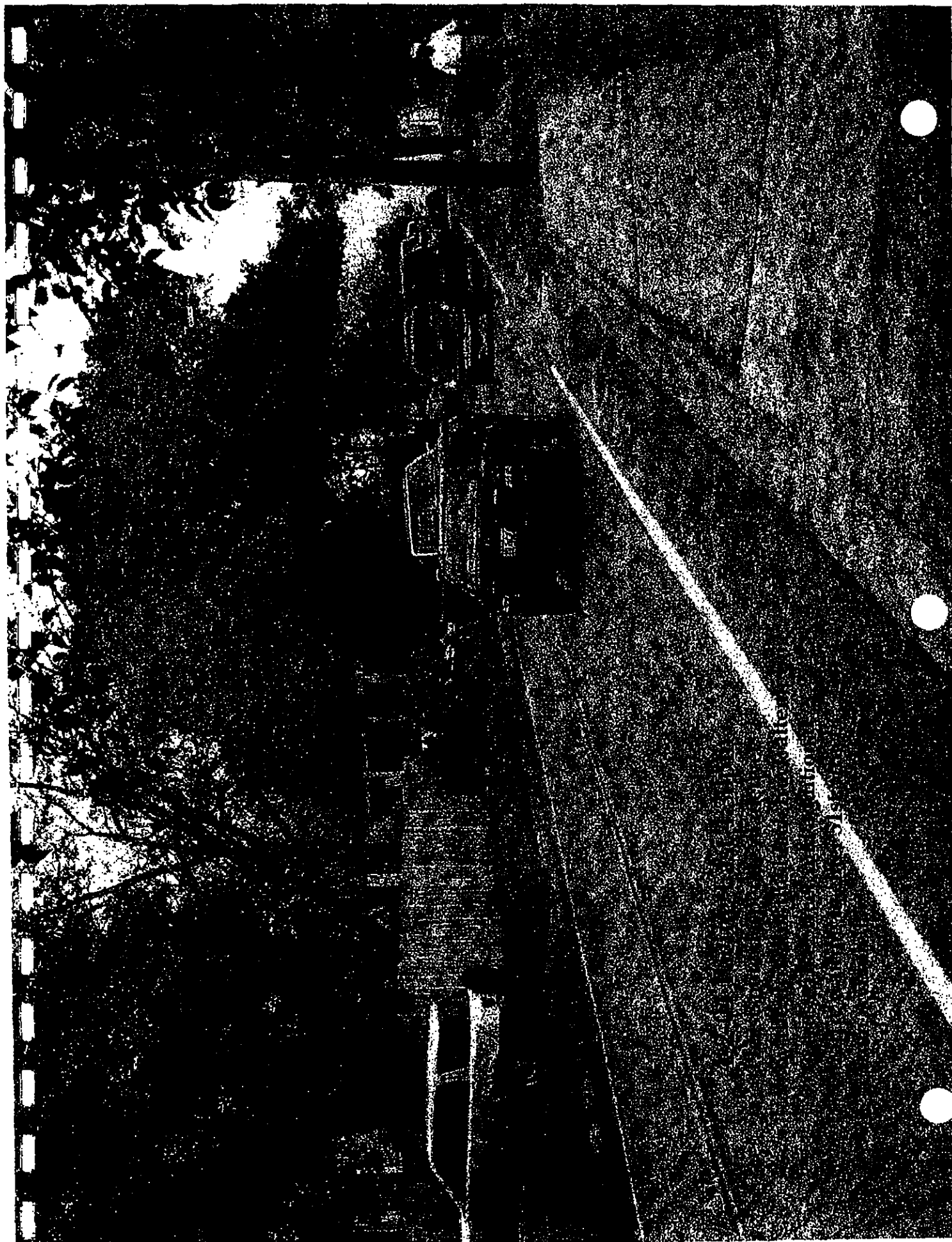


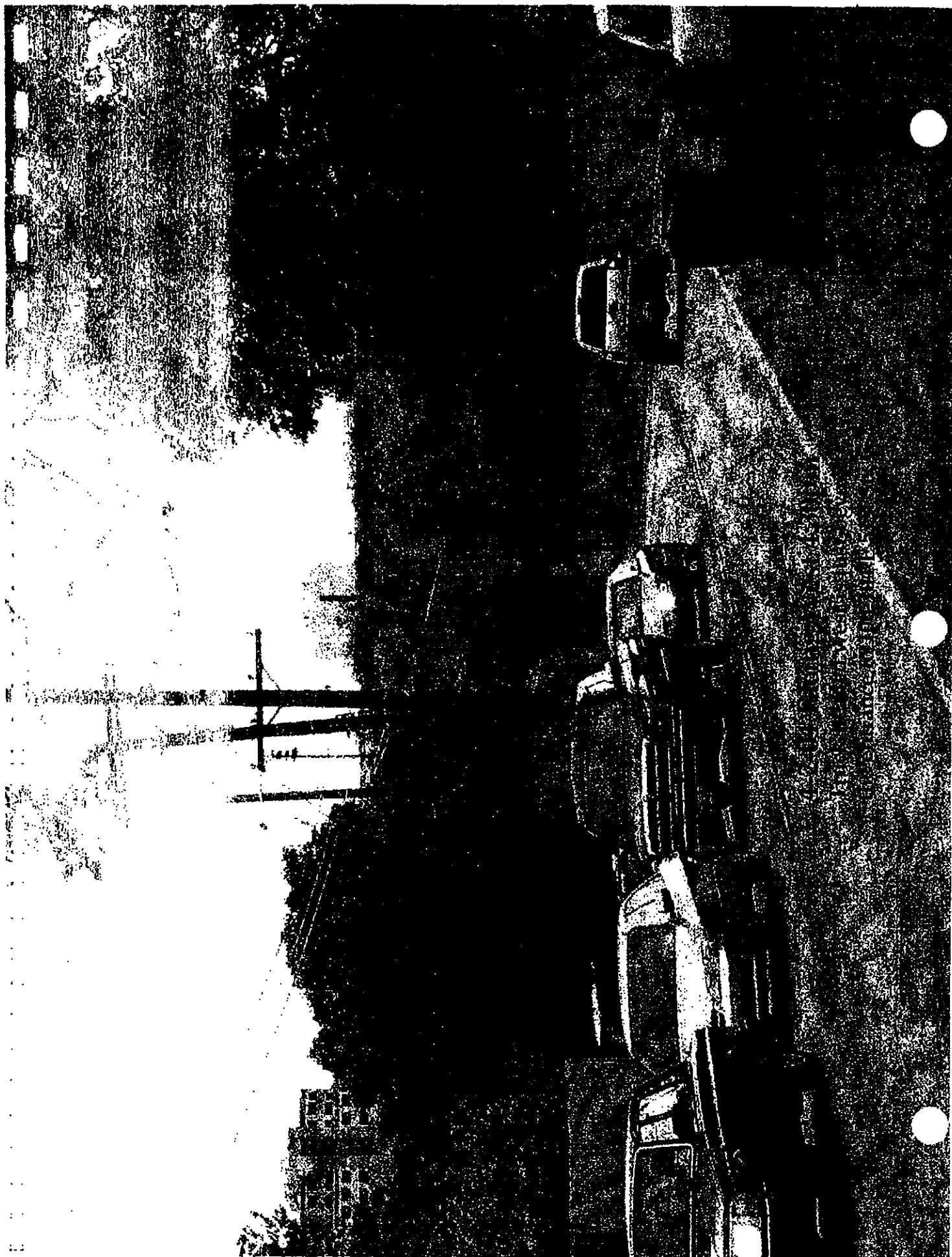
4. Photographs showing the traffic on 51<sup>st</sup> Street.

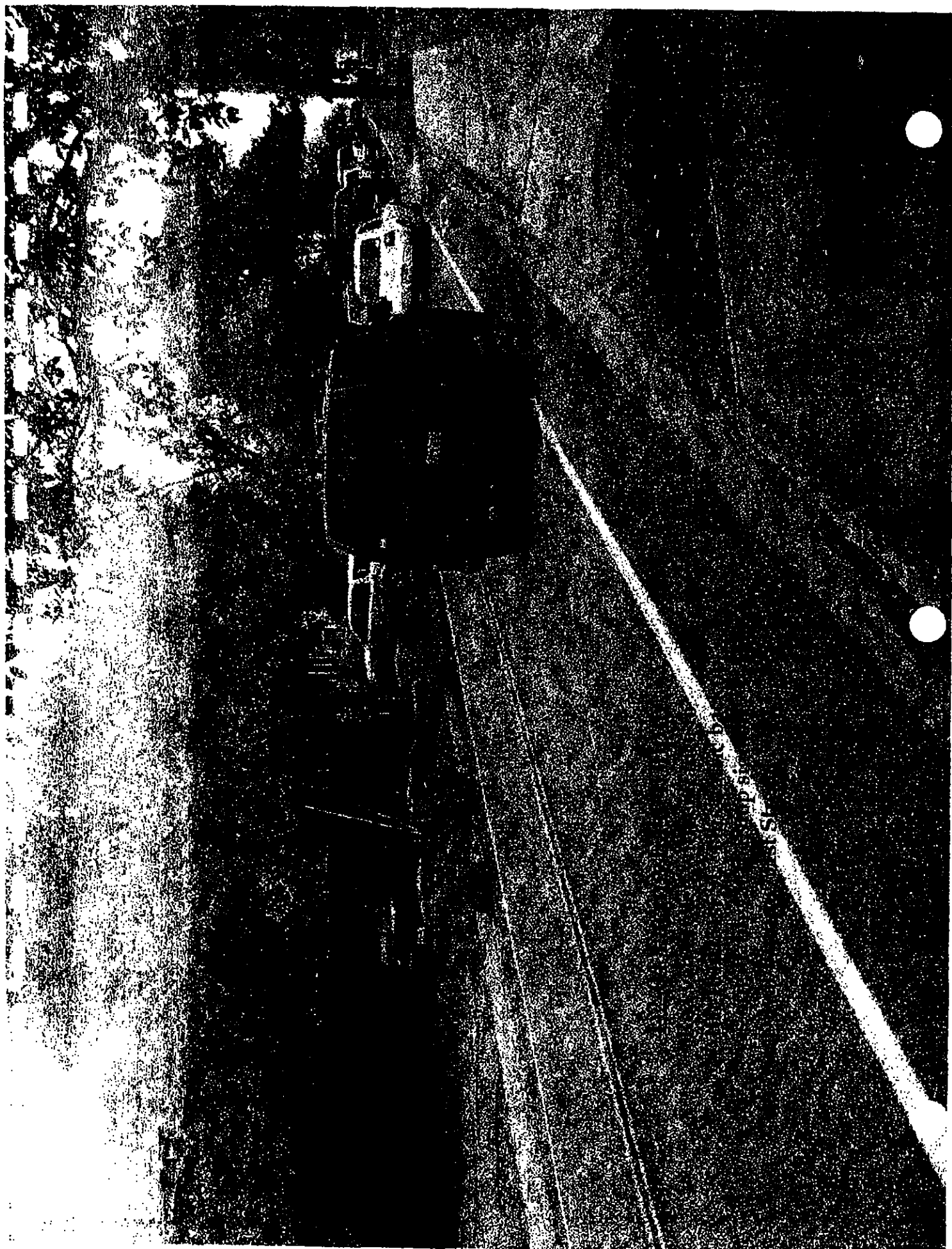
**Sunday 03/07/04 2:30pm**

**Curve at 100-104 E 51st Street prevents eastbound traffic from becoming visible until it is dangerously close to vehicles turning onto E 51st at Rowena.**

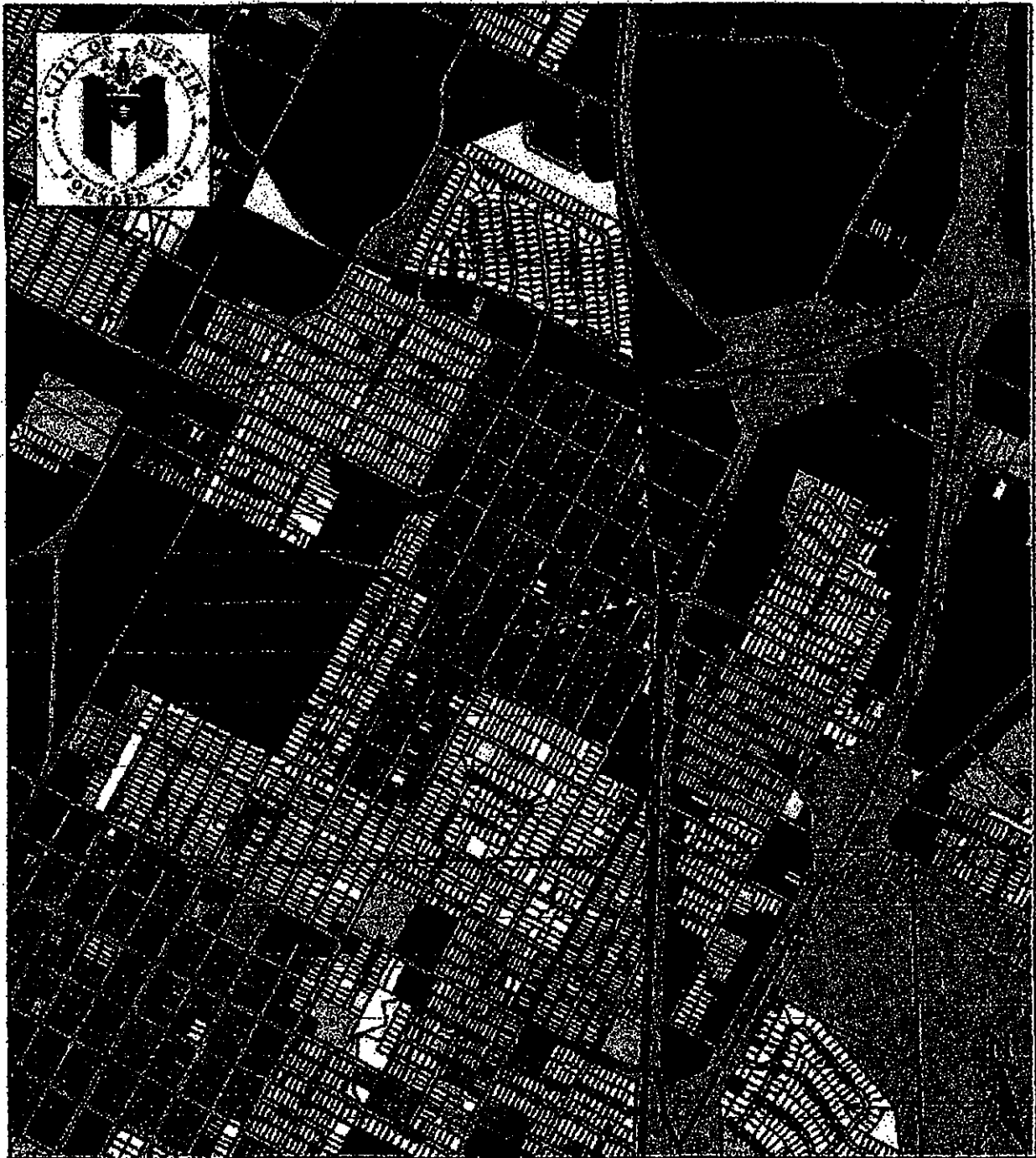








5. Map showing the property and location of some nearby commercial developments.



## North Loop Neighborhood Planning Area

0.2 0 0.2 0.4 Miles



### Land Use

Large Lot Single-family  
Single-family  
Mobile Homes  
Multi-family  
Commercial  
Office  
Industry

Mining  
Cave  
Open Space  
Transportation  
Utilities  
Undeveloped  
Water  
Unknown

6. Photographs of vacant commercial property in the area.



For Information  
Call Situs, Inc

713-626-7100

www.situsco.com

SPACE

LEASE

479-0471

For Information  
Call Situs, Inc

713-626-7100

www.situsco.com

FOR LEASE

39,630 S.F.

682-5500

www.situsco.com

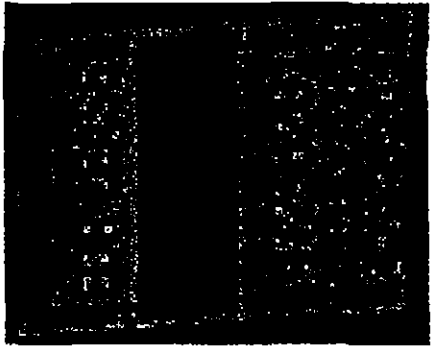
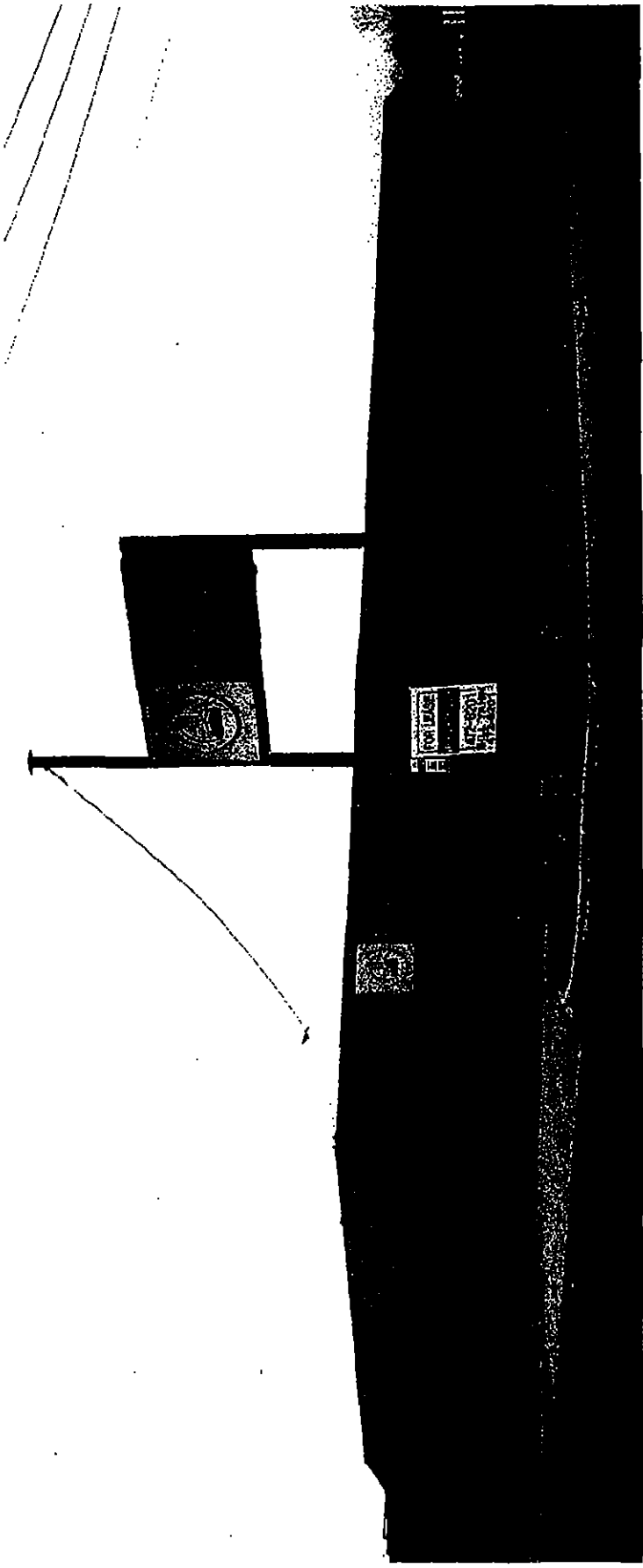
467-7266

www.situsco.com

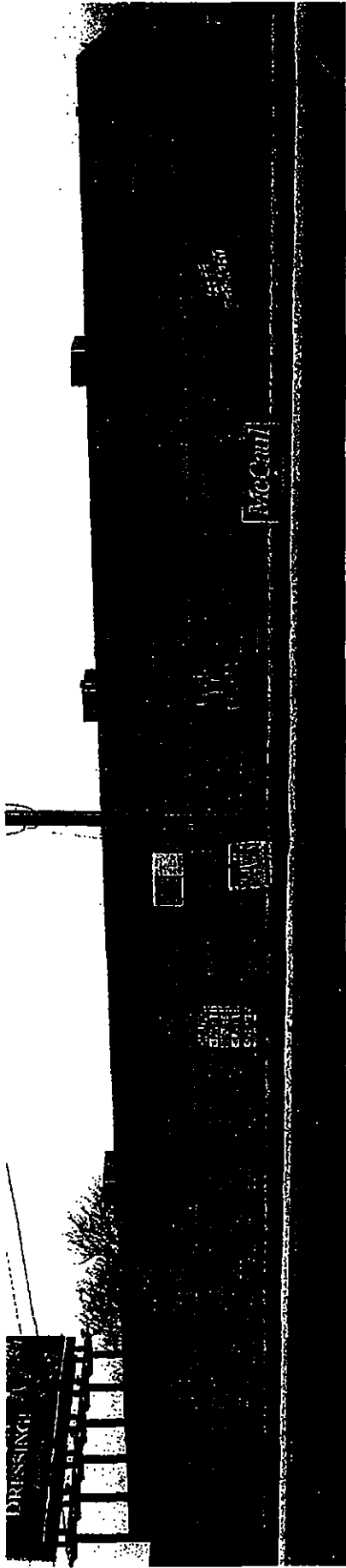
FOR LEASE 682-5500  
39,630 S.F.  
UNION  
OK

FOR LEASE  
39,630 S.F.  
682-5500

5555 North Lamar



**Dillard & Denson**



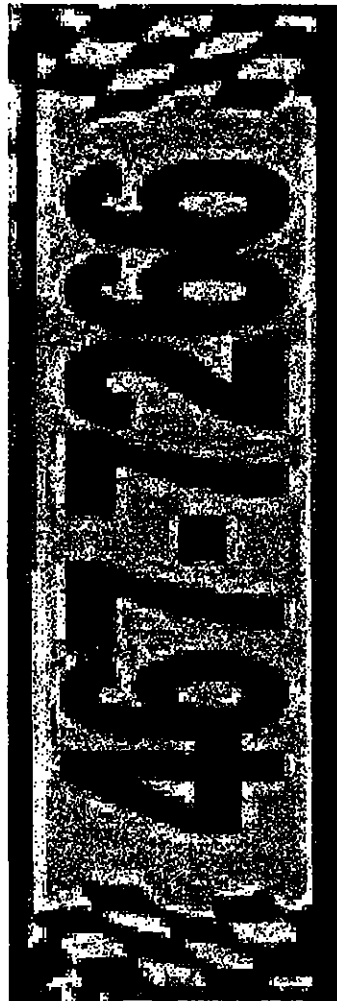
# Denson & Airport

FOR LEASE OR SALE

338-1845

EXHIBIT UP TO 10,000 sq. ft. FINISHED

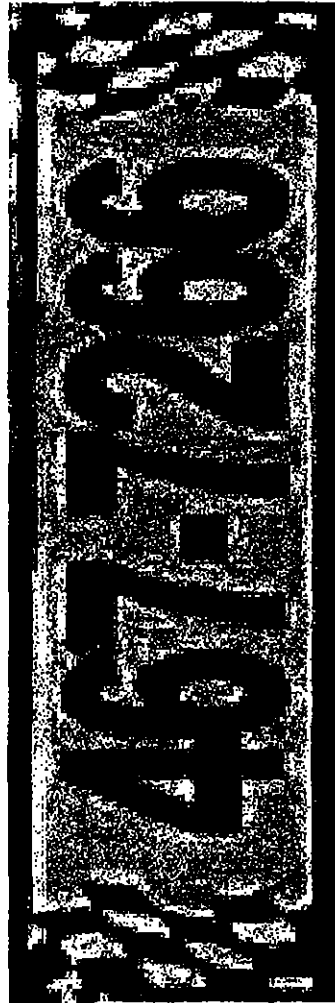
5417 Lamar



5319 Lamar

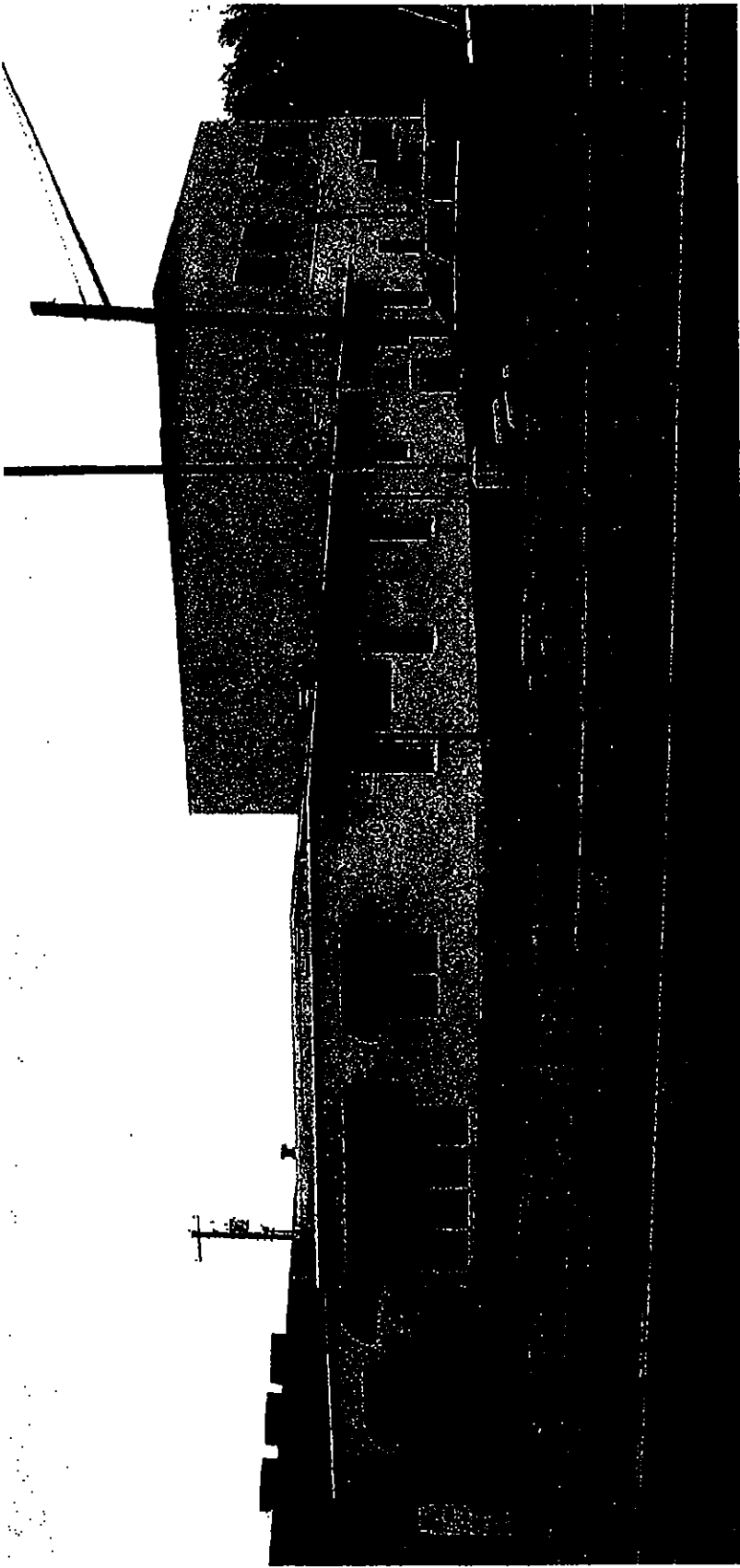
# 5205 Airport



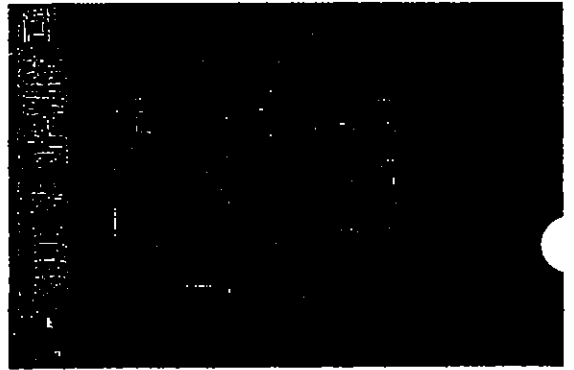


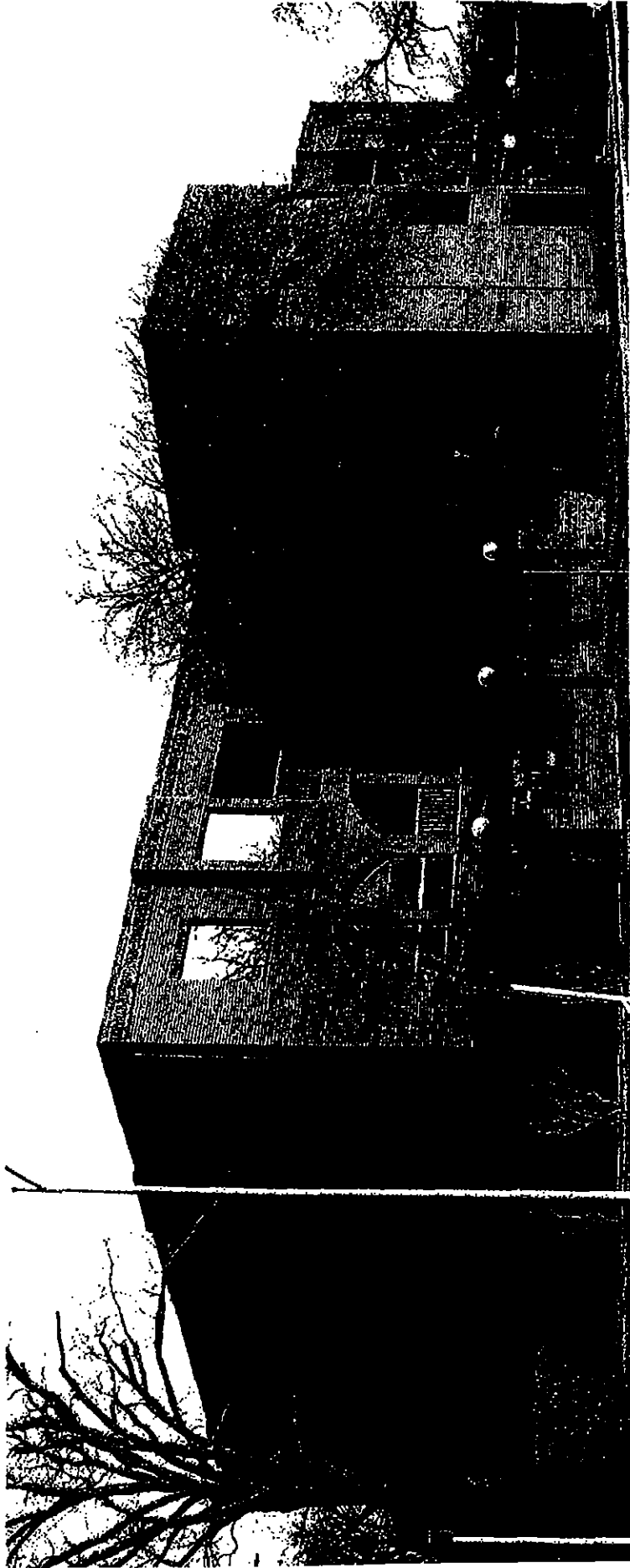
5319 Lamar





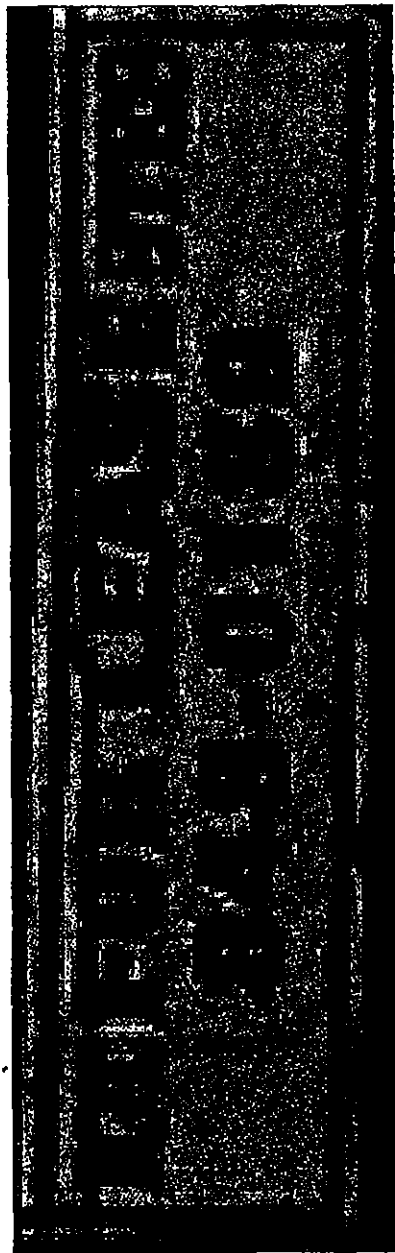
# 5205 Airport





For Information  
Call Situs, Inc.  
713-626-7110  
WWW.SITUS.CO

4315 Guadalupe



5102 Clarkson  
E

7. Copies of the valid petition signed by neighbors opposed to the zoning change, from October 2002, the first time this zoning change was requested.



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: October 11, 2002  
Mailing Date of first Notice: July 17, 2002

File Number: C14-02-0113

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 100, 102, & 104 East 51<sup>st</sup> Street

### PROPOSED ZONING CHANGE:

**FROM:** SF-3-NP Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements. NP--Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

**TO:** LR-MU-NP Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. NP--Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

OWNER: Eileen Merritt, Inc. (Sharon Sargent)

PHONE: (512) 328-6995

AGENT: Eileen Merritt, Inc. (Mike Rhoades)

PHONE: (512) 748-3377

PLANNING COMMISSION HEARING DATE: October 23, 2002

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Planning Commission Assistant, Transportation, Planning & Sustainability Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-02-0113

Planning Commission Hearing Date: October 23, 2002

Name (please print) Thelma Beaulieu

☐ I am in favor  
(Estoy de acuerdo)

Address 710 Fm 247 Hemetville Tx  
736-255-0254 77520

☒ I object  
(No estoy de acuerdo)

5 October 2002

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100, 102, & 104 East 51st Street (File # C14-02-0113). I object to the proposed rezoning as the increase in traffic, noise, pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Chris Gable</i>	CHRIS GAMBLE	5100 AVENUE F	512-371-0893
2. <i>Richard Steinberg</i>	RICHARD STEINBERG	5107 AVENUE F	512-453-1445
3. <i>B. G. B. B.</i>	BEN GARZANTI	100 E. 52	512-4545452
4. <i>B. G. B. B.</i>	BEN GARZANTI	102 E. 52	512-4545452
5. <i>B. G. B. B.</i>	BEN GARZANTI	104 E. 52	512-4545452
6. <i>David R. Albert</i>	DAVID R. ALBERT	5105 AVENUE F	512-258-6602
7. <i>Valerie L. Moreland</i>	Valerie L. Moreland	5114 AVENUE F	512-452-1333
8. <i>Evelyn Lindset</i>	EVELYN LINDSET	5102 AVE F	512-453-2435
9. <i>Steven L. Harrington</i>	Steven L. Harrington	5014 Ave F	512-374-9321
10. <i>Tina Pacus</i>	TINA PACUS	5101 AVENUE F	512-302-3380

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5 October 2002

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SIGNATURE	NAME	ADDRESS	PHONE
1. <u>[Signature]</u>	<u>Doc Bonner</u>	<u>5106 Ave F /</u> <u>300 N. State St, CHICAGO</u>	<u>312-644-7350</u>
2. _____			
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SIGNATURE	NAME	ADDRESS	PHONE
1. <u>Janny Walker</u>	<u>LARRY WALKER</u>	<u>5200 Ave F.</u>	<u>— 448-2775</u>
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SIGNATURE

NAME

ADDRESS

PHONE

1. *Phyllis Jeanette Dodgen* 19 Casa Verde 261-0677
2. \_\_\_\_\_
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26. *owner of 5115 Ave F*

5 October 2002

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SIGNATURE	NAME	ADDRESS	PHONE
1. <u>Wendy Hedeen</u>	<u>Wendy Hedeen</u>	<u>(511) Ave F Austin, Tx)</u> <u>2211 Lyman Dr. Lansing MI 48912</u>	<u>517-484-2600</u>
2. _____			
3. _____			
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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Sylvia Knauer</i>	Sylvia + Kirk Knauer	5109 Avenue F, Austin TX Residence: 110 E. Billmeyer Ave, Mill Valley, CA 94041	415/383-8685
2.			
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OCT-07-2002 13:58

DIGITAL INSTRUMENTS

805 9677717

P.02

OCT-07 02 09:45 FROM: ICMB 2. U.T. AUSTIN 512-232-3432

TO: 512 834 8601

PAGE:01

5 October 2002

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SIGNATURE

NAME

ADDRESS

PHONE

1. Vincent C. Geisler VINCENT C. GEISLER 5108 AVENUE F 689-8714

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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Peter C. Binst</i>	Peter C. Binst	5112 AVE E. Austin, TX	940-498-4301
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5 October 2002

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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Jean Neal</i>	JEAN D. NEAL	1237 MAIN GEORGETOWN, TX 78626	930 9581
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1 October 2002

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-02-0113) as the increase in traffic, noise, pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	DOROTHY M. HARNEL	5013 AVE H.	302-1129
2) <i>[Signature]</i>	THOMAS ALEMANO	5016 AVE H	452-8445
3) <i>[Signature]</i>	THOMAS EGAN	5017 AVE H	458-6918
4) <i>[Signature]</i>	Brian W. Jones	5018 AVE H	302-2864
5) <i>[Signature]</i>	BECKY LAYNE	5009 AVE H	451-5092
6) <i>[Signature]</i>	Mel Black	5007 AVE H	454-10901
7) <i>[Signature]</i>	Christina Madden	5005 AVE H	471-6056
8) <i>[Signature]</i>	Melanie Gray	5006 AVE H	451-6887
9) <i>[Signature]</i>	ALLISON FARLEY	5002 AVE H	374-1777
10) <i>[Signature]</i>	Kate Frederick	5000 AVE H	500-7190
11) <i>[Signature]</i>	MILDRED COLLINS	4914 AVE G	459-6274
12) <i>[Signature]</i>	JAMES TIKALSKY	5000 AVENUE G	612) 323-6279
13) <i>[Signature]</i>	Ben Baker	5001 AVENUE G	502) 731-1866
14) <i>[Signature]</i>	Gregory Vanyuk	5003 AVE G	681-0121
15) <i>[Signature]</i>	Mary Spaulley	5005 AVE G	371-9803
16) <i>[Signature]</i>	STEVEN BROOKIN	5004 AVE G	523-9216
17) <i>[Signature]</i>	LORIE BREWSTER	5006 AVE G	451-2550
18) <i>[Signature]</i>	Philip Rowen	5006 Ave G	407-8025
19) <i>[Signature]</i>	Nancy Langhans	203 E 51st	450-0513
20) <i>[Signature]</i>	Adrienne Parker	205 E 51st	459-7441
21) <i>[Signature]</i>	Rebecca Robertson	5010 AVENUE F	699-5954
22) <i>[Signature]</i>	Shirley Wang Watson	5010 AVENUE F	296-6867
23) <i>[Signature]</i>	ERIC M. MILLS	5000 AVE F	374-9064
24) <i>[Signature]</i>	Termy Behler	4904 AVE F	420-9899
25) <i>[Signature]</i>	E. Haver	4904 AVE F	420-9899
26) <i>[Signature]</i>	Ishrat Malik	4904 AVE F	420-9899
27) <i>[Signature]</i>	WARREN A. JONES	4900 ROWENA	4532025
28) <i>[Signature]</i>	Margaret Jones	4902 ROWENA	4532025
29) <i>[Signature]</i>	4815 Rowena	4815 Rowena	467-0594
30) <i>[Signature]</i>	4815 Rowena	4815 Rowena	467-0594
31) <i>[Signature]</i>	4804 Rowena	Kathleen Thelen	451-6001
32) <i>[Signature]</i>	4904 B Rowena	James M. Paine	4408996
33) <i>[Signature]</i>	Steve Grill	STEVE GRILL	4208300
34) <i>[Signature]</i>	ANDREW KACBEK	4904 ROWENA AVE #A	5269659779
35) <i>[Signature]</i>	Jennifer T. Graham	4808 A Rowena	502.1748
36) <i>[Signature]</i>	FRANK MAY	5005 ROWENA	281-7387
37) <i>[Signature]</i>	ROBERT HEINER	5006 Rowena	453-3867
38) <i>[Signature]</i>	GINA FORD	5010 Rowena	374-9013
39) <i>[Signature]</i>	Selenia Rios	5014 Rowena	455-0129
40) <i>[Signature]</i>	HOLLY PARKS	4913 AVE G	467-7491

The above information is solely to aid the Planning Commission in deciding this case (File # C14-02-0113). This information may not be sold or given to any other entity without expressed written consent of each party listed above.

resident within  
200

1 October 2002

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-02-0113) as the increase in traffic, noise, pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	Adrian Taylor	5106 Avenue F	(512) 467-6907
2) <i>[Signature]</i>	Natalia Graham	5110 Avenue F	(512) 452-0703
3) <i>[Signature]</i>	Steve Graham	5110 Avenue F	(512) 452-0727
4) <i>[Signature]</i>	Rebecca Ross	5112 Ave F	(512) 407-7010
5) <i>[Signature]</i>	<i>[Signature]</i>	5201 Ave F	692-452-7196
6) <i>[Signature]</i>	SUSANNE KRAFT	5406 Ave G	512 278-0013
7) <i>[Signature]</i>	J.B. KRAFT	5107 Ave G	512 507 4732
8) <i>[Signature]</i>	Paige Bonsteel	5111 Ave F	(512) 452-3236
9) <i>[Signature]</i>	MAX DODGEN	5115 Ave F	(512) 467-8042
10) <i>[Signature]</i>	Phil Reese	105 E. 52	(512) 452-5511
11) <i>[Signature]</i>	Chad Hopper	102 E. 52	(512) 407-9911
12) <i>[Signature]</i>	John A. Sims	5102 Ave F	512-302-3650
13) <i>[Signature]</i>	Kristin Langer	5108 Avenue F	(512) 450-1780
14) <i>[Signature]</i>	Jon Bonsteel	5111 Ave F	512 452-3236
15) <i>[Signature]</i>	DAVID R. ARMSTRONG	5105 Avenue F	512-256-6602
16) <i>[Signature]</i>	LISA HOFFMAN	5102 Avenue G	512-452-7347
17)			
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The above information is solely to aid the Planning Commission in deciding this case (File # C14-02-0113). This information may not be sold or given to any other entity without expressed written consent of each party listed above.

→ resident within 200'



1 October 2002

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-02-0113) as the increase in traffic, noise, pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
<i>[Signature]</i>	James	5100 Ave H	412-915-70
<i>[Signature]</i>	KILACHAMBERS	5104 AVE H	323-2013
<i>[Signature]</i>	5106 AVE H	79-51-37-1893	
<i>[Signature]</i>	NICKIE FEATIDE	5111 AVE H	453-9427
<i>[Signature]</i>	Camilie Norman	5201 AVE H	451-4043
<i>[Signature]</i>	RMICHELLE AARON	507 E 52ND	571-9460
<i>[Signature]</i>	KURTIS COLONNA	5205 AVE H	452-6447
<i>[Signature]</i>	5213 AVE H	799-3629	
<i>[Signature]</i>	5214 Duval St	452-6245	
<i>[Signature]</i>	Carey Lewis	5204 Duval St	465-9625
<i>[Signature]</i>	5201 Duval St	458-5709	
<i>[Signature]</i>	5115 Duval St	419-9521	
<i>[Signature]</i>	5109 Duval St	451-1706	
<i>[Signature]</i>	5107 Duval St	451-1706	
<i>[Signature]</i>	5200 Ave H Austin TX 78751	46-0552	
<i>[Signature]</i>	Michael Kaiser	5202 AVE G	454-0550
<i>[Signature]</i>	5211 Ave G	371-7001	
<i>[Signature]</i>	DAVE GEROUD	5112 Ave G	458-9795
<i>[Signature]</i>	5105 AVE G	784-9509	
<i>[Signature]</i>	5110 AVE G Austin	459-6461	
<i>[Signature]</i>	Kendra Barnard	5114 AVE G AUST	453-4392
<i>[Signature]</i>	5200 ERLIN AVE	451-1761	
<i>[Signature]</i>	Howard Bielsch	5207 Ave G	296-6500
<i>[Signature]</i>	Michael Hinson	5212 AVE G	323-2789
<i>[Signature]</i>	Matthew J Schulte	5203 Ave H	467-0030
<i>[Signature]</i>	Aaron Valdez	5204 Ave H	420-8437
<i>[Signature]</i>	Karen Carlson	5207 Ave H	731-2632
<i>[Signature]</i>	5213 Ave H Austin TX 78751	572-452-7706	
<i>[Signature]</i>	5209 Ave H Austin TX 78751	512-407-8589	
<i>[Signature]</i>	5210 Ave H Austin TX 78751	512-698-3647	
<i>[Signature]</i>	5217 Ave H Austin TX 78751	521-0553	
<i>[Signature]</i>	5212 Ave H Austin TX 78751	321-0553	
<i>[Signature]</i>	5214 Ave H Austin TX 78751	321-1553	
<i>[Signature]</i>	5208 Ave H	259-1794	
<i>[Signature]</i>	Kendra Bartsch	5109 Ave H, Austin TX 78756	323-
<i>[Signature]</i>	Brad Johnson	5107 Ave H 78751	458-9353
<i>[Signature]</i>	5106-B Ave H 78751		
<i>[Signature]</i>	5101 Ave H 78751	451-4616	
<i>[Signature]</i>	5107 Ave H 78751	452-1445	
<i>[Signature]</i>	5105 Ave H 78751	663-2571	

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1 October 2002

Dear Planning Commission,

As a resident of the neighborhood, I object to the proposed zoning change at 100,102,&104 East 51st Street (File # C14-02-0113) as the increase in traffic, noise, pollution, and litter will surely negatively impact the quality of life for my family and me. Please, protect the rights of my family and my neighbors' families to retain our peaceful community and vote against the zoning change. Thank you.

Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	JIM MAURE	212A W. 51st St.	(512) 451-6094
2) <i>[Signature]</i>	MARK GARCIA	212A W. 51st St.	(512) 371-9041
3) <i>[Signature]</i>	Lynne Bradley	218 B W 51st	512 302-5287
4) <i>[Signature]</i>	Lawthick L. S. I.	5101A LERALYNN	512 431-6252
5) <i>[Signature]</i>	NASH FRANKSON	5101 B LERALYNN	512-970-5195
6) <i>[Signature]</i>	5100 LERALYNN	5100 LERALYNN	512-454-4189
7) <i>[Signature]</i>	Monica Meriage	304 W 51st	512-454-4572
8) <i>[Signature]</i>	Tommy Kile	400 W 51st	512-302-3628
9) <i>[Signature]</i>	ERIK BLISS	506 ZENNIA ST	" " 502-1245
10) <i>[Signature]</i>	MATT HEGELBERT	504 ZENNIA	512 419-9594
11) <i>[Signature]</i>	K. MARIA LAKE	503 ZENNIA ST	512 923-2154
12) <i>[Signature]</i>	Dolores M. Sales	501 ZENNIA ST	512-428-9855
13) <i>[Signature]</i>	Brad Pippins	400 ZENNIA ST	512 454 3242
14) <i>[Signature]</i>	Maria de L. Acevedo	MARIA ACEVEDO 405 ZENNIA ST	512 453-4060
15) <i>[Signature]</i>	Joyce Moradith	402 ZENNIA ST	512 453-9792
16) <i>[Signature]</i>	Sandra Lyons	400 ZENNIA	512-419-4399
17) <i>[Signature]</i>	Bree Ferguson	302 ZENNIA	512-587-6234
18) <i>[Signature]</i>	Brian Carrico	302 ZENNIA	512-371-9170
19) <i>[Signature]</i>	Rachel Rhodes	301 ZENNIA	512-467-7692
20) <i>[Signature]</i>	Jennifer Gray	301 ZENNIA ST	512-380-0151
21) <i>[Signature]</i>	Roei Fulkerson	5202 LERALYNN	512-492-7188
22) <i>[Signature]</i>	Hollie Fulkerson	5702 LERALYNN	512-380-0292
23) <i>[Signature]</i>	Rachel Snyder	301 Genard St	512-380-0151
24) <i>[Signature]</i>	Brian O'Donovan	304 Genard St	512-380-0292
25) <i>[Signature]</i>	LAUREN O'DONOVAN	304 GENARD ST	512-380-0292
26) <i>[Signature]</i>	Matt O'Donovan	304 Genard St	512-380-0292
27) <i>[Signature]</i>	Maria Kretzsch	400 Genard Street	512-380-0292
28) <i>[Signature]</i>	400 Genard	400 Genard	512-454-4189
29) <i>[Signature]</i>	400 Genard	400 Genard	451-6367
30) <i>[Signature]</i>	CHRISTINE NAIL	422 Genard	458-2774
31) <i>[Signature]</i>	KATHY KIDD-BONKA	501 GENARD	452-4826
32) <i>[Signature]</i>	MARK BROWN	504 GENARD	453-6266
33) <i>[Signature]</i>	PAUL D. BROWN	504 GENARD	789-6263
34) <i>[Signature]</i>	Brian O'Donovan	508 Genard St	453-8144
35) <i>[Signature]</i>	Ethan Klein	5208 Guadalupe St	214-537-8208
36) <i>[Signature]</i>	Susan Svedeman	5211 LERALYNN ST.	451-9609
37) <i>[Signature]</i>	Aras Buboltz	5209 LERALYNN ST	465-9064
38) <i>[Signature]</i>	5203 LERALYNN ST.	5203 LERALYNN ST.	(512) 454-8053
39) <i>[Signature]</i>	Shelia Adams	5104 Avenue G	(512) 451-1850
40) <i>[Signature]</i>	Neil Scott	5103 Ave G	512 454-4836

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>Carlton L. Clayton</i>	Carlton L. Clayton	4911 Ave. G	(512) 454-8055
2) <i>Lauren Arbuckle</i>	Lauren Arbuckle	4910 Ave G	512 452-5975
3) <i>Jeff Ragsdale</i>	JEFF RAGSDALE	4908 AVE. G	512 302-5834
4) <i>Scott Myers</i>	Scott Myers	4907 Ave. G	512 423 6514
5) <i>Heider Boes</i>	Heider Boes	4907 Ave G	512 323-6519
6) <i>Peter Whitell</i>	Peter Whitell	4905 Ave G	512 459 3562
7) <i>BOB ALNEY</i>	BOB ALNEY	4900 AVE G	512 458-3359
8) <i>Alejandra Rodriguez</i>	Alejandra Rodriguez	4814 Ave G	512 458-4492
9) <i>MICHAEL KING</i>	MICHAEL KING	4814 AVE G	512 451-6903
10) <i>Joan Magness</i>	Joan Magness	4814 AVE G	512 454-9483
11) <i>Kevin Ashman</i>	Kevin Ashman	4907 Ave G	512 423 5838
12) <i>DAVE ALNEY</i>	DAVE ALNEY	4898 AVE G	512 459-0678
13) <i>Angela Joseph</i>	Angela Joseph	411 W 30th	736-8534
14) <i>Richard Smith</i>	Richard Smith	4805 AVE G Apt A	512 419 7837
15) <i>Claudia Sydney</i>	Claudia Sydney	4803 Ave G	453-6981
16) <i>Adam Wilson</i>	Adam Wilson	4714 Ave. G	512-458-4439
17) <i>Joshua Tompkins</i>	Joshua Tompkins	4712 AVE G	512 302-3741
18) <i>Jessica Nichol</i>	Jessica Nichol	4713 Ave G	437-9838
19) <i>Kirsten Belum</i>	Kirsten Belum	4712 AVE G	450-1757
20) <i>Forest A. Nony</i>	Forest A. Nony	4712 Avenue G	450-1257
21) <i>Lee Bethel</i>	Lee Bethel	4708 AVE. G	458-2307
22) <i>Lee Bethel</i>	Lee Bethel	4707 AVE G	452 1371
23) <i>Adam Wilson</i>	Adam Wilson	4703 Ave H	(512) 454-5960
24) <i>Daniel Luckinger</i>	Daniel Luckinger	4705 Ave H	453-0947
25) <i>Supriya Kaur</i>	Supriya Kaur	4709 Ave H	453-9010
26) <i>Bob Ferguson</i>	Bob Ferguson	4709 Ave H	
27) <i>Kathy Bohn</i>	Kathy Bohn	4710 Ave H	451-3480
28) <i>Aysel P. Todd</i>	Aysel P. Todd	4713 Ave H	451-4899
29) <i>Kristina Rollins</i>	Kristina Rollins	4802 Ave H	451-5663
30) <i>Joe Rollins</i>	Joe Rollins	4802 Ave H	451-5663
31) <i>Minnie Wilson</i>	Minnie Wilson	4803 Ave H	458-1031
32) <i>Michael Hakes</i>	Michael Hakes	4808 Ave H	453-3052
33) <i>Ben Monahan</i>	Ben Monahan	4908 Ave H	459-3036
34) <i>Esmeralda Escalante</i>	Esmeralda Escalante	4908 Avenue H	459-3036
35) <i>Tam Russell</i>	Tam Russell	4914 Ave H	454-1542
36) <i>Ken C. Smith</i>	Ken C. Smith	5018 Ave F	452-2360
37) <i>Milton S. Heath</i>	Milton S. Heath	5018 Ave. F	452-8929
38)			
39)			
40)			

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City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarle de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: February 13, 2004

File Number: C14-04-0015

Mailing Date of first Notice: February 4, 2004

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 100 - 104 East 51st Street & 0 East 51st Street

### PROPOSED ZONING CHANGE:

**FROM:** SF-3--Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

**TO:** LR-MU-CO-NP-Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. NP-Neighborhood Plan denotes a tract located within the boundaries of an adopted Neighborhood Plan.

OWNER/AGENT: Northfield Design Assoc., PLLC (Don Smith)

PHONE: (512) 302-1458

PLANNING COMMISSION HEARING DATE: February 24, 2004

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Planning Commission Assistant, Transportation, Planning & Sustainability Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0015-GR

Planning Commission Hearing Date: February 24, 2004

Name (please print) DOUGLAS BONNER

Address OWNER: 5106 AVENUE F

☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

Within 200'

20 February 2004

I, the undersigned, own a home and/or property within 200' of the proposed zoning change at 100,102,&104 East 51st Street (File # C14-04-0015). I object to the proposed rezoning as the increase in traffic, noise, air pollution, litter, and light pollution will surely negatively impact my property value as well as the quality of life for me and my family.

SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Larry Walker</i>	LARRY WALKER	5200 Ave F - Austin	(512) 448-2015
2.			
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FROM :TGILLS1

FAX NO. :5122750390

Mar. 02 2004 11:42AM P2

20 February 2004

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SIGNATURE

NAME

ADDRESS

PHONE

1. Peter C. Brust Peter C. Brust 5112 AVE F (cell) 408-234-1536

2. \_\_\_\_\_

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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Douglas Bonner</i>	DOUGLAS BONNER	5106 AVE F	312-344-734
2. <i>Ben Lindsey</i>	BEN LINDSEY	5102 AVE F	512-453-2426
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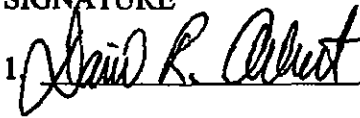
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SIGNATURE	NAME	ADDRESS	PHONE
1. 	DAVID R. ALBERT	5105 AVENUE F	(512) 258-6602
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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Randal M. Bransford</i>	RANDAL M. BRANSFORD	5014 A+B ROWENA STREET	C-512-797-259 W-512-447-1100
2.			
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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Jean D. Neal Jr</i>	JEAN D. NEAL JR	105 E. 52nd	930 9561
2.			
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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	Vic Smith	5000 Ave G	845-8382
2) <i>[Signature]</i>	ERIC M. MILLS	5000 AVE F	374-9064
3) <i>[Signature]</i>	Julian Henry	4913 Ave F	452-8230
4) <i>[Signature]</i>	EMILY TILM	4904 AVE F	334-0790
5) <i>[Signature]</i>	Matthew Mills	4902 Ave F	825-3002
6) <i>[Signature]</i>	Tom Rouse	4900 Ave F	452-2906
7) <i>[Signature]</i>	JEFF SOWERS	4813 Ave F	450-0577
8) <i>[Signature]</i>	Julia M. Smith	5014 A Rowena Ave	740-3359
9) <i>[Signature]</i>	Janet Green	4810 Ave F	450-1561
10) <i>[Signature]</i>	Mary Harek	4807 Ave F	459-8288
11) <i>[Signature]</i>	Victoria Stafford	108 E 48th St	407-8922
12) <i>[Signature]</i>	Maec Annans	4702 Rowena	334-7863
13) <i>[Signature]</i>	Linda Crockett		
14) <i>[Signature]</i>	Linda Crockett	4700 Rowena	414-1889
15) <i>[Signature]</i>			
16) <i>[Signature]</i>	Brandon Skia	109 E 47th	731-6914
17) <i>[Signature]</i>	PAUL J. WILLIAMS	703 E 47th	407-7106
18) <i>[Signature]</i>	AMY L. GARD	4704 Ave F	773-4336
19) <i>[Signature]</i>	Adam Stevenson	4711 Ave F	452-1531
20) <i>[Signature]</i>	Virginia Rodriguez	5209 Ave H	380-0839
21) <i>[Signature]</i>	Wendy L. Harnwell	5013 Ave H	302-1129
22) <i>[Signature]</i>	Maggie Bennett	5011 Ave H	779-9621
23) <i>[Signature]</i>	Suzanna Choffel	5004 Ave H 38751	323-5321
24) <i>[Signature]</i>	B. B. NEW LEON	5201 Ave H	459-1962
25) <i>[Signature]</i>	Bob Harnwell	4914 Ave H	451-1812
26) <i>[Signature]</i>	Tiffany Durham	4911 Ave H	823-2834
27) <i>[Signature]</i>	Suzanna Hurley	4909 Ave H	454-4382
28) <i>[Signature]</i>	A. Craig Lams	4909 Ave H	454-4382
29) <i>[Signature]</i>	BEN MUNGKORNPANICH	4908 Ave H	459-3036
30) <i>[Signature]</i>	Aubrie Aldridge	4906 Ave H	655-1774
31) <i>[Signature]</i>	Joni Mayek	4901 Ave H	
32) <i>[Signature]</i>	Amanda Allen	4811-A Ave H	773-4141
33) <i>[Signature]</i>	Wendy T. GROVETTE	4809 Ave H	458-4613
34) <i>[Signature]</i>	Jack Rolles	4802 Ave H	457-5862
35) <i>[Signature]</i>	Kelcie Ruff	4714 Ave H	467-6964
36) <i>[Signature]</i>	Douglas Kelly	4800 Ave G	452-5143
37) <i>[Signature]</i>	Douglas Lind	4805 Ave G	407-9464
38) <i>[Signature]</i>	Mza Segui	4713 Ave G	371-7096
39) <i>[Signature]</i>	Ali Houston	4812 Ave G	693-5736
40) <i>[Signature]</i>	HERLINDA FARIAS	4814 Ave G	458-4492

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	BOB BREWER	4815 AVE G	452-3850
2) <i>[Signature]</i>	1000 AVE	4500 AVE G	458-3759
3) <i>[Signature]</i>	Chris Keller	4906 Ave G	457-2654
4) <i>[Signature]</i>	Amanda Tjahjoe	4947 Ave G	459-5756
5) <i>[Signature]</i>	ISAK MALL	4911 Ave G	443-5212
6) <i>[Signature]</i>	Laura Gustin	5008 Ave G	323-6014
7) <i>[Signature]</i>	Regina Hampton	5015 Ave G	458-4663
8) <i>[Signature]</i>	Ross Jasser	5012 Ave G	470-4087
9) <i>[Signature]</i>	Valerie Rossman	5005 Ave G	619-39810
10) <i>[Signature]</i>	Amanda Stanley	5005 Ave G	749-7198
11) <i>[Signature]</i>	STEVE BROOKS	5004 Ave G	723-9316
12) <i>[Signature]</i>	Michael Chao	4914 Ave G	459-6244
13) <i>[Signature]</i>	Mahesh Bhendari	4909 Ave F	450-0363
14) <i>[Signature]</i>	Scott Mucis	4907 Ave G	323-6514
15) <i>[Signature]</i>	Valma M. Price	4902 Ave G	459-0929
16) <i>[Signature]</i>	Marvyn Butler	4915 Ave H	302-1725
17) <i>[Signature]</i>	Mitra Mechanic	4913 Ave H	302-1425
18) <i>[Signature]</i>	Darsh Datta	5007 Ave H	459-9780
19) <i>[Signature]</i>	PECKY LAINE	5009 Ave H	451-8092
20) <i>[Signature]</i>	ROBERT HEYMAN	5006 Rowena	453-3667
21) <i>[Signature]</i>	DIANA HAYMEN	5006 Rowena	453-3667
22) <i>[Signature]</i>	Paul Heyman	5007 Rowena	417-3925
23) <i>[Signature]</i>	David Coleman	4912 Rowena	415-6995
24) <i>[Signature]</i>	James M. Paine	4904 Rowena	419-0896
25) <i>[Signature]</i>	Andrew Chardery	4914 Rowena	465-7473
26) <i>[Signature]</i>	Salma B. Soback	" "	" "
27) <i>[Signature]</i>	Peter Zeller	4906-B Rowena	434-9241
28) <i>[Signature]</i>	Steve Kocke	4903 Rowena	850-509468
29) <i>[Signature]</i>	ANDY JONES	4900 Rowena	433-2025
30) <i>[Signature]</i>	WENDY ALBERS	4528 Ave G	454-9329
31) <i>[Signature]</i>	PAULLEY	4706 Rowena St	814-7437
32) <i>[Signature]</i>	Adam Parker	107 E. 48th St	407-9786
33) <i>[Signature]</i>	Sloan Schwab	108 E. 48th St	467-8922
34) <i>[Signature]</i>	Stephanie Pousson	4602 Ave H	420-8050
35) <i>[Signature]</i>	Donna Thayer	4710 Rowena	380-9282
36) <i>[Signature]</i>	Daniel Muth	4708 Rowena	452-7716
37) <i>[Signature]</i>	Chris Linsen	4704 Rowena	206-8361
38) <i>[Signature]</i>	MICHAEL ANDERSON	4610-A Ave F	820-0040
39) <i>[Signature]</i>	Rachael Kim	4602 Ave F	471-4926
40) <i>[Signature]</i>	Colleen Torner	4606 Avenue F	657-3490

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	TERESA VELASQUEZ	4607 AVE F	462-0468
2) <i>[Signature]</i>	Mary DASH	4604 AVE F	467-0166
3) <i>[Signature]</i>	FERNANDO DASILVA	4604 AVE F	467-0166
4) <i>[Signature]</i>	Thomas E. O'Brien	4531 Ave F	451-4140
5) <i>[Signature]</i>	Rebecca O'Brien	4531 Ave F	451-4140
6) <i>[Signature]</i>	Patricia Bawn	4525 Ave F	454-7550
7) <i>[Signature]</i>	POTATZ SIGGENTHALER	4512 F	452-6916
8) <i>[Signature]</i>	Karn Wicks	472 F	82-688
9) <i>[Signature]</i>	John Hart	4510 Ave F	454-5933
10) <i>[Signature]</i>	Alex Knaag	4507 Ave F	302-3184
11) <i>[Signature]</i>	Kevin Dasher	4509 Ave F	452-8329
12) <i>[Signature]</i>	Koreen Dasher	4509 Ave F	452-8329
13) <i>[Signature]</i>	Yvette D. Wicks	4501 Ave F	452-3841
14) <i>[Signature]</i>	John Rudell	4501 Ave F	601-9162
15) <i>[Signature]</i>	Matt Normeier	4502 Ave F	639-1774
16) <i>[Signature]</i>	Phillip Shennon	4503 Ave G	753-0131
17) <i>[Signature]</i>	Harley Thompson	4501 Ave G	703-1115
18) <i>[Signature]</i>	Joseph P. P.	" "	810-8137
19) <i>[Signature]</i>	Barbara Mahler	4502 Ave G	589-9209
20) <i>[Signature]</i>	Jessica Lay	4504 Ave G	454-1965
21) <i>[Signature]</i>	SANDRA SMITH	4505 Ave G	371-7463
22) <i>[Signature]</i>	DMITRY T. BOBKO	4511 Avenue G	452-1911
23) <i>[Signature]</i>	Spencer Schaefer	4513 Avenue G	302-1296
24) <i>[Signature]</i>	Maria Elena Cingora	4524 Ave G	478-7187
25) <i>[Signature]</i>	CHARNEY A. SHAW	4525 Ave G	454-0919
26) <i>[Signature]</i>	Arnold S. Ashburn	4525 Ave G	454-0917
27) <i>[Signature]</i>	Victoria Goodman	4523 Ave G	452-1324
28) <i>[Signature]</i>	STANLEY ROBUSKY	4604 Ave G	451-7753
29) <i>[Signature]</i>	John P.	4708 Ave G	458-0909
30) <i>[Signature]</i>	Kirsten Belgium	4712 Ave G	450-1757
31) <i>[Signature]</i>	Joshua Thompson	4713 Ave G	302-3791
32) <i>[Signature]</i>	JEFFREY KACADORA	4908 Ave G	502-5834
33) <i>[Signature]</i>	DAVID KACADORA	4908 Ave G	512-958-8291
34) <i>[Signature]</i>	David Kacadora	4907 Rowena Ave Austin TX	512-302-0798
35) <i>[Signature]</i>	Susan Samuels Willett	4908 B Rowena Ave Austin TX	512-419-7028
36) <i>[Signature]</i>	JOAN N. KUPES	4915 Rowena Ave Austin TX	467-05
37) <i>[Signature]</i>	Steve Kacadora	4915 Rowena Ave Austin TX	974-5289
38) <i>[Signature]</i>	KAREN TREN	4915 Rowena Ave Austin TX	451-0001
39) <i>[Signature]</i>	Adrian D. Kacadora	4907 Rowena Ave	206-2805
40) <i>[Signature]</i>	Elizabeth F. Brown	4613 Ave G	454-3057

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	Joe Bryant	5014 Rowena Ave #A	554-9056
2) <i>[Signature]</i>	J. Beaman	104 E. 51st	633-9963
3) <i>[Signature]</i>	Michael Rodriguez	104 E 51st	375-1514
4) <i>[Signature]</i>	KIM MENDEZ	104 E 52nd St.	371-1514
5) <i>[Signature]</i>	Joshua Antcherry	102 E 52nd St	407-9911
6) <i>[Signature]</i>	Andrea Thomas	102 E 52nd St	407-9911
7) <i>[Signature]</i>	Tiffany-Love McGurt	102 E 52nd Apt B	323-9309
8) <i>[Signature]</i>	Carol Dodgen	5115 Ave E	467-8042
9) <i>[Signature]</i>	Andrea Santos	101 E 52nd St	7451-6996
10) <i>[Signature]</i>	David W. Ali	101 East 52nd	467-6737
11) <i>[Signature]</i>	Kellie Tabat	101 East 52nd	467-6737
12) <i>[Signature]</i>	CARL SEPTON	102A E. 52nd	302-4878
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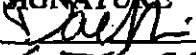
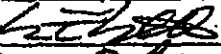




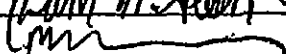


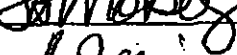
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	NAME	SIGNATURE	ADDRESS	PHONE
1)	Dave Raichler		4530 Ave G	459-3381
2)	Brent Birdwell		4603-B Ave G	698-3321
3)	Bryan R Hunt		4703 Ave G	467-2830
4)	Chris Alger		4705 Ave G	460-1790
5)	Sue Strong		4707 Ave G	452-1371
6)	Dawn Allen		4709 Ave G	467-8600
7)	Arhel Menn		4711 Ave G	533-9190
8)	MATTHEW C KENDRA		4716 Ave G	974-277-2412
9)	Haley Moberg		4717 Ave G	512-4538774
10)	Rachel Jennings		4807 Ave G	415-8998
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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1)	Gina Ballen	5107A Ave G	533-9763
2)	CAROLYN KNIGHT	5607 LINK AVE.	451-1727
3)	LISA WRIGHT	5201 AVE. G	457-1727
4)	Dave Johnson	5205 Ave G.	417-8359
5)	Elizabeth Flanagan	507 Ave F	451-9252
6)	W. D. Sorensen	5209 Ave G	821-3780
7)	Lisa Sarmiento	515 Ave G	302-6491
8)	Anne Smith	5105 Ave G	453-6802
9)	Mercedes Smith	5105 Ave G	453-6802
10)	Gladys G. Daffy	5103 Ave G	453-5272
11)	Jade Daffy	5103 Ave G	453-5272
12)	405 Daffy	5108 Ave G	836-5794
13)	Joel Schlichtemeier	5106 Ave G	302-0662
14)	Marc Rendon	5107-A Ave G	533-9763
15)	Kendal Barnard	5114 Ave G	452-4392
16)	Augustina GARZA	5210 Ave G	459-8149
17)	Julia R. GARZA	5210 Ave G	459-8149
18)	KEVIN JENKINS	5212 AVE H	577-1617
19)	Chayo Nishida	5212 Ave H	789-3629
20)	LARA HANNIBAL	5212 AVE H	452-9620
21)	Crystal Fuenfright	5208 AVE H	371-3250
22)	John Mor	5204 Ave H	824-5185
23)	MICHAEL CAMPBELL	5200 AVE H	680-7904
24)	Terry Martinez	5201 Ave H	419-9909
25)	Elizabeth Dwy	307 E S 2nd St	510-879060
26)	Michael A. Kuykendall	5106-B Ave H	454-7613
27)	Brad Johnson	5107 Ave H	452-9353
28)	Joe Alsop	5105 Ave H	452-3701
29)	Cassie Condra	4901 Ave H	589-7858
30)	Jessie Taylor	4901 Ave H	589-7856
31)	VAREX THOMAS	5208 Ave G	454-8534
32)	Francis Wendy Frank	5011 Martin Ave	451-0935
33)	THOMAS M. BARRINGTON	5011 MARTIN AVE.	451-0935
34)	Blanca Schock	5101 Ave G	454-6677
35)	Matthew Martin	5101 Ave G	784-3358
36)	Gabriel Kristiancho	5101 Ave G	454-6677
37)	Phil Rogoff	5102 Ave H	916-5283
38)	Alisha Jones	5111 Ave H	(210) 421-1887
39)	KURTIS COLONNA	5205 AVE H	452-6442
40)	James Castello	5204 Ave H	457-9621

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) Imelda Black	Imelda Black	5212 Duval St	454-6901
2) Keeree	Emily Keeree	5208 Duval St.	459-6496
3) Kaydean Bott	Kaydean Bott	5204 Duval St.	323-5670
4) Kathleen Wanner	Kathleen Wanner	5202 Duval St	401-8821
5) Kurt F. Mohlman	Kurt F. Mohlman	5203 Duval St	371-7678
6) Carolyn A. Critz	Carolyn Annette Critz	5205 Duval St.	417-8307
7) Lydia Datz	Lydia Datz	5207 Duval St	467-2097
8) Alex Jan	Alex Jan	5114 Duval St	455-6588
9) Lisa Hoppman	Lisa Hoppman	5115 Duval St	419-9708
10) V. D. D. D.	V. D. D. D.	5107 Duval St	451-1675
11) Jane Bolton	Jane Bolton	5112 Duval St.	459-1801
12) Lisa Hoppman	Lisa Hoppman	5102 Duval St	452-7347
13) Rosalind	Rosalind	5103 Lera Lynn	417-9223
14) Jennie Gray	Jennie Gray	801 Zennia St	474-7400
15) Ze Paries	Ze Paries	804 Zennia St.	451-1298
16) Joyce Meredith	Joyce Meredith	402 Zennia	453-4860
17) Charlie / Bette	Charlie / Bette	403 Zennia	468-7860
18) 503 Zennia St.	503 Zennia St.	Hallmark	419-9594
19) Steve Fletcher	Steve Fletcher	504 Zennia St	374-9856
20) Craig Whitworth	Craig Whitworth	505 Zennia 78751	452-4549
21) Mark A. Chavis	Mark A. Chavis	604 Zennia	453-3672
22) Kent Pyrtle	Kent Pyrtle	7010 Zennia	380-9754
23) Batley Kondage	Batley Kondage	700 Zennia	"
24) Ronke	Ronke	"	"
25) Doreen Soper	Doreen Soper	406 W. 51st	945-6323
26) Cameron McCall Jordan	Cameron McCall Jordan	509 W. 51st	459-6223
27) Neal Clark	Neal Clark	408-4 West 51st St 78751	454-4577
28) Neal Clark	Neal Clark	3021 W. 51st 78751	371-0582
29) The M. C. Family	The M. C. Family	5202 Lera Lynn Austin	459-6582
30) Amy E. Jordan	Amy E. Jordan	5105 Lera Lynn St Austin TX 78751	453-2873
31) Nathan Wilkes	Nathan Wilkes	5205 Lera Lynn St Austin TX 78751	499-0234
32) Sarah Harker	Sarah Harker	5205 Lera Lynn St Austin TX 78751	407-9950
33) Ben Regal	Ben Regal	500 Franklin Blvd Unit B Austin, TX 78751	484-1892
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FROM : TGILLS1

FAX NO. : 5122750390

Mar. 02 2004 11:42AM P2

20 February 2004

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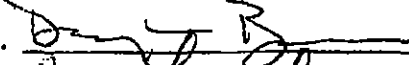
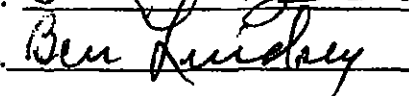
SIGNATURE	NAME	ADDRESS	PHONE
<u>Peter C. Brust</u>	<u>Peter C. Brust</u>	<u>5112 AVE F</u>	<u>(cell) 408-234-1536</u>

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SIGNATURE	NAME	ADDRESS	PHONE
1. 	DOUGLAS BONNER	5106 AVE F	312-344-734
2. 	BEN LINDSEY	5102 AVE F	512-453-2426
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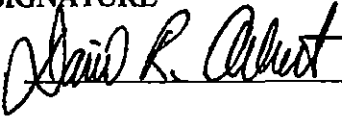
SIGNATURE	NAME	ADDRESS	Austin TX	PHONE
	Steve Harrington	5014 Avenue F	78751	512-750-9
	JAMES TODD	5010 ROWENA		512-453-1
	CHRIS GARBLE	5100 AVENUE F	AUSTIN TX 78751	512-371-0893
	MAYA GUERRA GARBLE	5100 AVENUE F	AUSTIN TX 78751	512-371-0893
	MN Scott	5103 Ave F	Austin TX 78751	512-458-483
	M. SCOTT	5103 Ave F	78751	" "
	Addie Bell Parker	205 E. ST E. 51 <sup>st</sup>		599-7448
	JUSTIN DUWALL	5107 AVE F	AUSTIN TX 78751	779-356
	Carol Dodgen	5115 Ave F	Austin, TX 78751	462-800
		100 E. 52 <sup>nd</sup>		
		102 E. 52 <sup>nd</sup>		
		104 E. 52 <sup>nd</sup>		452-4624
	Tina Dacus	5101 Ave F	AUSTIN TX 78751	338
	Natalie Graham	5110 Ave F	AUSTIN TX 78751	2018
	Candace Claro	5108 Ave F	Austin TX 78751	

1. > not within 200'

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SIGNATURE	NAME	ADDRESS	PHONE
1. 	DAVID R. ALBERT	5105 AVENUE F	(512) 258-6602
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SIGNATURE	NAME	ADDRESS	PHONE
1. <i>Randal M. Bransford</i>	RANDAL M. BRANSFORD	5014 A & B ROWENA STREET	C-512-797-259 W-512-447-1108
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SIGNATURE	NAME	ADDRESS	PHONE
1. <u>Jean D. Neal Jr.</u>	<u>JEAN D. NEAL JR</u>	<u>105 E. 52nd</u>	<u>930 9561</u>
2. _____			
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February 2004

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	Vic Smith	5000 Ave G	845-3382
2) <i>[Signature]</i>	ERIC M. MILLS	5000 AVE F	374-9064
3) <i>[Signature]</i>	Julian, Henry	4913 Ave F	452-8230
4) <i>[Signature]</i>	EMILY TIMM	4904 AVE F	334-8790
5) <i>[Signature]</i>	Muttler, Milla	4902 Ave F	825-3003
6) <i>[Signature]</i>	Tom Rouse	16000 Ave F	452-2106
7) <i>[Signature]</i>	JEFF SEWERS	4913 Ave F	460-0577
8) <i>[Signature]</i>	Julia McSmith	6014 A Rowena Ave	740-3858
9) <i>[Signature]</i>	Janet Green	4810 Ave F	450-1561
10) <i>[Signature]</i>	Mary Stalek	4807 Ave F	1459-8288
11) <i>[Signature]</i>	Victoria Stafford	108 E 51st St	467-8922
12) <i>[Signature]</i>	MARIL AMMATHAMS	4702 ROWENA	454-7863
13) <i>[Signature]</i>	Linda Crockett		
14) <i>[Signature]</i>	Linda Crockett	4700 Rowena	414-1889
15) <i>[Signature]</i>			
16) <i>[Signature]</i>	Brandon Skin	108 E 47th	731-6914
17) <i>[Signature]</i>	PAUL T. WILLIAMS	203 E 47th	467-7106
18) <i>[Signature]</i>	AMY L. GARD	4704 Ave F	773-4336
19) <i>[Signature]</i>	ADAM STEVENSON	4711 Ave F	458-1531
20) <i>[Signature]</i>	VIGGIAN RODRIGUEZ	5209 Ave H	380-0939
21) <i>[Signature]</i>	WILLIAM I. HANWELL	5013 Ave H	302-1129
22) <i>[Signature]</i>	Maggie Bennett	5011 AVE H	799-9601
23) <i>[Signature]</i>	Suzanna Chaffel	5004 Ave H 38751	323-5321
24) <i>[Signature]</i>	JOHN E. BARNES	5201 Ave H	459-1962
25) <i>[Signature]</i>	JOE HENRICKS	4914 Ave H	981-1812
26) <i>[Signature]</i>	Tiffany Durham	4911 Ave H	823-2824
27) <i>[Signature]</i>	SUZANNE HURLEY	4909 Ave H	454-4382
28) <i>[Signature]</i>	J. Craig Lewis	4909 Ave H	454-4382
29) <i>[Signature]</i>	BEN MUNGHERN PANICH	4908 Ave H	455-3036
30) <i>[Signature]</i>	Aubrie Aldridge	4906 Ave H	655-1774
31) <i>[Signature]</i>	JONI MARVELL	4901 Ave H	
32) <i>[Signature]</i>	Amanda Allen	4811-A Ave H	773-4141
33) <i>[Signature]</i>	WILLIAM T. GROVETTE	4809 Ave H	458-4613
34) <i>[Signature]</i>	JOEL BALLEW	4802 Ave H	457-5862
35) <i>[Signature]</i>	KELCIE KELT	4714 Ave H	467-6961
36) <i>[Signature]</i>	Douglas Kelly	4800 Ave G	452-5143
37) <i>[Signature]</i>	DOUGLAS LIND	4805 Ave G	407-9454
38) <i>[Signature]</i>	Mica Segal	4813 Ave G	371-2006
39) <i>[Signature]</i>	Ali Uevulin	4812 Ave G	678-5736
40) <i>[Signature]</i>	HERLINDA FARIOLA	4814 Ave G	458-4992

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	BOB BREWER	4815 AVE G	452-3850
2) <i>[Signature]</i>	1000 AVE G	4500 AVE G	458-3759
3) <i>[Signature]</i>	Chris Keller	4906 Ave G	457-2654
4) <i>[Signature]</i>	Amanda Jahnke	4907 Ave G	459-5756
5) <i>[Signature]</i>	Shirley M. King	4911 Ave G	453-5212
6) <i>[Signature]</i>	Laura Gustin	5001B Ave G	323-6414
7) <i>[Signature]</i>	Regina Hampton	5015 Ave G	458-4663
8) <i>[Signature]</i>	Ross Jansen	5017 Ave G	470-4987
9) <i>[Signature]</i>	Valerie Krossman	5005 Ave G	619-8980
10) <i>[Signature]</i>	Amanda Stanley	5005 Ave G	745-7198
11) <i>[Signature]</i>	Steve Brokaw	5004 Ave G	723-9316
12) <i>[Signature]</i>	Michael Brennan	4911 Ave G	459-6294
13) <i>[Signature]</i>	Mahesh Bhendari	4909 Ave F	450-0363
14) <i>[Signature]</i>	Scott Hicks	4907 Ave G	323-6514
15) <i>[Signature]</i>	Valerie Pierce	4907 Ave G	459-0929
16) <i>[Signature]</i>	Marvyn Butler	4915 Ave H	302-1725
17) <i>[Signature]</i>	Mitra Mechanic	4913 Ave H	302-1425
18) <i>[Signature]</i>	Derek DelHay	5007 Ave H	459-9780
19) <i>[Signature]</i>	Recky Layne	5009 Ave H	451-8092
20) <i>[Signature]</i>	Robert Heyman	5006 Rowena	453-3667
21) <i>[Signature]</i>	Diana Hayden	5006 Rowena	453-3667
22) <i>[Signature]</i>	Paul Heyman	5007 Rowena	407-7925
23) <i>[Signature]</i>	David Coleman	4912 Rowena	455-6995
24) <i>[Signature]</i>	James M. Paine	4901 Rowena	419-0896
25) <i>[Signature]</i>	Andrew Chasensky	4914 Rowena	465-7473
26) <i>[Signature]</i>	Kalina Grabeck	" "	" "
27) <i>[Signature]</i>	Robert Zeller	4906 Rowena	434-9241
28) <i>[Signature]</i>	Steve Locke	4903 Rowena	850-509468
29) <i>[Signature]</i>	ANDY JONES	4900 Rowena	453-2025
30) <i>[Signature]</i>	Wendy Albers	4528 Ave G	454-9329
31) <i>[Signature]</i>	Paul Kelly	4700 Rowena St	214-7437
32) <i>[Signature]</i>	Adam Parks	107 E. 48th St	407-9786
33) <i>[Signature]</i>	Sloan Schwab	108 E. 48th St	467-8922
34) <i>[Signature]</i>	Stephanie Pousson	4602 Ave H	426-8950
35) <i>[Signature]</i>	Donna Thayer	4710 Rowena	380-9282
36) <i>[Signature]</i>	Daniel Muth	4708 Rowena	452-7766
37) <i>[Signature]</i>	Chris Lippert	4704 Rowena	206-8355
38) <i>[Signature]</i>	MICHAEL ANDERSON	4610-A AVE F	820-0040
39) <i>[Signature]</i>	Rodney King	4608 Ave F	471-4925
40) <i>[Signature]</i>	Colleen Toranzo	4606 Ave F	657-3490

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
	TERESA VELASQUEZ	4607 AVE F	462-0468
	Mary DeShane	4604 AVE F	467-0166
	FERNANDO DASILVA	4604 AVE F	467-0166
	Thomas E. O'Brien	4531 Ave F	451-4140
	Rebecca O'Brien	4531 Ave F	451-4140
	Patricia Bown	4525 Ave F	454-7554
	Peter Siegenthaler	4512 F	452-6915
	John Hart	4510 Ave F	454-5433
	Alex Knepp	4502 Ave F	302-3184
	Kevin O'Shea	4509 Ave F	452-8339
	Kowena Darin	4509 Ave F	452-8339
	Yvonne Welch	4501 Ave F	462-3841
	John Russell	4501 Ave F	601-9162
	Mark Noormeier	4502 Ave F	637-1774
	Phillip Shannon	4503A Ave F	453-0131
	Haley Hays	4501 Ave F	703-7401
	Barbara Mahler	4502 Ave G	589-9209
	Jessica Gay	4504 Ave G	454-1963
	Sandra Smith	4505 Ave G	371-7463
	Dwight Thompson	4511 Avenue G	452-1911
	Spencer Schuler	4518 Avenue G	302-1096
	Maria Elena Casanova	4524 Ave G	458-3477
	CARANVEY ASHBURN	4525 Ave G	454-0919
	Harold G. Ashburn	4525 Ave G	454-0917
	Victoria Goodman	4523 Ave G	457-1324
	STANLEY KOBUSKY	4604 AVE G	451-4153
	Kirsten Belgium	4712 Ave G	458-0909
	Joshua Thompson	4713 Ave G	450-1757
	JEFFREY RAGSDALE	4908 Ave G	302-3791
	David Kuhn	4907 Rowena Ave Austin TX	512-958-8291
	Susan Samers-Willett	4908 B Rowena Ave Austin TX	512-302-0788
	JOHN N. KIPER	4915 Rowena Ave Austin TX	512-419-7028
	Steve Holifield	4915 Rowena Ave Austin TX	467-0579
	Yvonne Welch	4915 Rowena Ave Austin TX	974-5279
	Adrian DelaRosa	4807 Rowena Ave	451-0007
	Elizabeth F. Beronius	4613 Ave G	206-2905
	Elizabeth F. Beronius	4613 Ave G	454-3057

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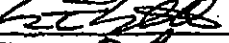







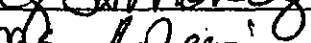
SIGNATURE	NAME	ADDRESS	PHONE
1) <i>[Signature]</i>	Lee Bryant	5014 Rouse Ave #A	554-9056
2) <i>[Signature]</i>	J. Beaman	104 E. 51st	633-9963
3) <i>[Signature]</i>	Michael Rodriguez	104 E. 52nd	375-1514
4) <i>[Signature]</i>	KIM MENDEZ	104 E 52nd St.	371-1514
5) <i>[Signature]</i>	Joshua Ancherry	102 E 52nd St	407-9911
6) <i>[Signature]</i>	Andrea Thomas	102 E 52nd St	407-9919
7) <i>[Signature]</i>	Tiffany-Kaye M. Hunt	102 E. 52nd Apt B	323-9309
8) <i>[Signature]</i>	Carol Backen	5115 Ave F	467-8042
9) <i>[Signature]</i>	Andrea Santos	101 E 52nd St	467-6796
10) <i>[Signature]</i>	David Wall	101 East 52nd	467-6737
11) <i>[Signature]</i>	Kellie Talbot	101 East 52nd	467-6737
12) <i>[Signature]</i>	Carol SEPTON	102A E. 52nd	302-4878
13)			
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	NAME	SIGNATURE	ADDRESS	PHONE
1)	Dave Raichlen		4530 Ave G	459-3331
2)	Robert Birdwell		4603-B Ave G	698-3321
3)	Bryan R Hunt		4703 Ave G	467-2830
4)	Chris Alger		4705 Ave G	450-1790
5)	Sue Strong		4707 Ave G	452-1371
6)	Dawn Allen		4709 Ave. G	467-8600
7)	Michael Mollen		4711 Ave G.	533-9190
8)	MATTHEW C KEVURA		4716 AVE G	974-277-2412
9)	Haley Moberg		4717 AVE G	512-4538774
10)	Rachel Tennings		4808 Ave G	415-8998
11)				
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SIGNATURE	NAME	ADDRESS	PHONE
1)	Gina Ballen	5107A Ave G	533-9763
2)	CAROLYN KNIGHT	5607 LINK AVE.	451-1727
3)	LISA KNIGHT	5201 AVE. G.	451-1727
4)	Dave Johnson	5203 Ave G.	417-8339
5)	Elizabeth Flanagan	5407 Ave F	451-9252
6)	W. D. Sauer	5209 Ave G	321-3780
7)	Lisa Sarmiento	515 Ave G	302-6491
8)	Anne Smith	5105 Ave G	453-6807
9)	Mercedes Smith	5105 Ave G	457-6802
10)	Gladys G. Daily	5103 Ave G	453-5272
11)	Jade Daily	5103 Ave G	453-5272
12)	Jeffery Dantli	5108 Ave G	836-5794
13)	Joel Schlichtemeier	5106 Ave G	302-0662
14)	Marc Rendon	5107A Ave G	533-9763
15)	Kendal Barnard	5114 Ave G	452-4392
16)	Augustine GARZA	5210 Ave G	459-8149
17)	Julia R. GARZA	5210 Ave G	459-8149
18)	KEVIN JENKINS	5212 AVE H	577-1617
19)	Chiyo Nishida	5213 Ave H	744-3629
20)	LAURA HOUNIBAR	5212A Ave H	452-9620
21)	Crystal Furbright	5208 Ave H	371-3255
22)	John Moe	5204 Ave H	519-5185
23)	MICHAEL CAMPBELL	5200 AVENUE H	680-7804
24)	Terry Martinez	5201 Ave H	419-9909
25)	Elizabeth Dwyer	307 E. S 2nd St	512-874663
26)	Michael A. Rutherford	5106-B Ave H	454-7613
27)	Brad Johnson	5107 Ave H	458-9353
28)	Joe Alzup	5105 Ave H	268-3701
29)	Cassie Contray	4901 Ave H	589-7856
30)	Jessie Taylor	4901 Ave H	589-7856
31)	VARREX THOMAS	5208 Ave G	454-8534
32)	Francis W. Frank	5011 Martin Ave	451-0935
33)	THOMAS M. BAPPAPAYAN	5011 MARTIN AVE.	451-0935
34)	Bianca Scheck	5101 Ave G	454-6677
35)	Matthew Maytin	5101 Ave G	784-3358
36)	Esq. Daniel G. Gristenich	5101 Ave G	454-6677
37)	Paul Rogoff	5102 Ave H	916-5283
38)	Alisha Jones	5111 Ave H	(210) 421-1887
39)	KURTIS COLONNA	5205 AVE H	452-6442
40)	James Costello	5212A Ave H	452-9621

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Sincerely,

SIGNATURE	NAME	ADDRESS	PHONE
1) Imelda Black	Imelda Black	5212 Duval St	454-6901
2) Keeree	Emily Keeree	5208 Duval St.	459-6496
3) Kaydean Bati	Kaydean Bati	5204 Duval St.	323-5670
4) Kathleen Warner	Kathleen Warner	5202 Duval St.	407-8821
5) Kurt F. Muhlman	Kurt F. Muhlman	5203 Duval St	371-7678
6) Carolyn Annette Cates	Carolyn Annette Cates	5205 Duval St.	417-8307
7) Lydia Doty	Lydia Doty	5207 Duval St	467-2097
8) Alex Jan	Alex Jan	5114 Duval St	455-6888
9) 5115 Duval St		5115 Duval St	419-9708
10) 5107 Duval St		5107 Duval St	457-1075
11) Jane Dalton	Jane Dalton	5112 Duval St.	459-1801
12) Lisa Wofford	Lisa Wofford	5102 Ave G	452-7347
13) Rose Frazier	Rose Frazier	5703 Legerman	417-9288
14) Tennie Gray	Tennie Gray	201 Zennia St	474-7400
15) Joe Parks	Joe Parks	204 Zennia St.	451-1898
16) Joyce Meredith	Joyce Meredith	402 Zennia	453-4260
17) Charlie L. Batts	Charlie L. Batts	403 Zennia	468-7860
18) 503 Zennia St		503 Zennia St	419-9594
19) Steve Fletcher	Steve Fletcher	504 Zennia St	374-9856
20) Craig Whitworth	Craig Whitworth	505 Zennia 38751	452-4849
21) Mark A. Chavis	Mark A. Chavis	604 Zennia	453-3672
22) Kent Pivrie	Kent Pivrie	7010 Zennia	880-9754
23) Bailey Kondagiti	Bailey Kondagiti	700 Zennia	"
24) Ronnie Cantu	Ronnie Cantu	"	"
25) Downes Supina	Downes Supina	406 W. 51st	845-6923
26) Cameron McCall Jordan	Cameron McCall Jordan	509 W. 51st	459-6223
27) 408-A West 51st St		408-A West 51st St	78751 454-4572
28) Neal Clark	Neal Clark	302 A W 51st	78751 371-0582
29) 5202 Lera Lynn St		5202 Lera Lynn St	459-6582
30) 5205 Lera Lynn St		5205 Lera Lynn St	Austin, TX 78751 453-2875
31) 5205 Lera Lynn St		5205 Lera Lynn St	Austin, TX 78751 499-0234
32) Sarah Hawks	Sarah Hawks	5205 Lera Lynn St.	Austin, TX 78751 407-9950
33) Ben Regal	Ben Regal	500 Franklin Blvd Unit B	Austin, TX 78751 484-1892
34)			
35)			
36)			
37)			
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39)			
40)			

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## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** North Loop

**CASE#:** NPA-04-0011.01

**ADDRESS:** 100-4 E. 51<sup>st</sup> St. & 0 E. 51<sup>st</sup> St.

**APPLICANT:** North Loop Neighborhood Planning Contact Team

**OWNER:** Eileen Merritt, Inc. (Representative: Mike Rhodcs)

**AGENT:** Don Smith, Northfield Design Association, PLLC

### **TYPE OF AMENDMENT:**

#### **Change in Future Land Use Designation**

**From:** Single-family

**To:** Commercial-Mixed Use

#### **Base District Zoning Change**

**From:** SF-3-NP

**To:** LR-MU-NP

**Related Zoning Case #:** C14-04-0015

### **UPDATE (June 17, 2004):**

The property owner is requesting a postponement of the public hearing until July 29, 2004. This is the owner's first request.

Due to adjacent neighbors' opposition to the originally proposed commercial-mixed use change, the property owner is working with them to create a compromise. The compromise would change the land use from single-family residential to higher density single-family residential.

The neighborhood planning team has not issued a letter of support or opposition to the proposed compromise of higher density single family at this time.

### **DEPARTMENT COMMENTS:**

The North Loop Neighborhood Plan was adopted as part ..of the Austin Tomorrow Comprehensive Plan on May 23, 2002. On January 23, 2004, the North Loop Neighborhood Planning Contact Team submitted a plan amendment application for the E. 51<sup>st</sup> St. tract on behalf of the property owner. Prior to the date of filing the application, the team heard the agent present the proposed change over a series of meetings. The team agreed to file the application "out-of-cycle" and included a letter of stating their support for the change to the North Loop Future Land Use Map. The team's letter of support was conditional upon conditions that could be included in a conditional overlay as well as in a restrictive covenant.

An official meeting organized by NPZD occurred on March 23, 2004 to bring identified stakeholders together to discuss the plan amendment application. Those stakeholders are the North Loop Neighborhood Planning Contact Team members (approximately 30), property owners within 300 feet of the subject tract, neighborhood association representatives, and the property owner and agent.



Staff briefly described the preliminary staff recommendation, as well. Opinions and visions for the tract varied widely.

At the end of the meeting, the team members present voted to maintain their support for a land use change from single-family to commercial-mixed use. This support was conditional upon an associated zoning change that included conditions outlined in the team's original letter of support (see Exhibit C). The property owner has agreed to those requests. The owner will execute a private restrictive covenant to address those conditions not able to be part of a conditional overlay (see Exhibit E).

The subject tract is comprised of four unequal lots. The front portion, 18,750 square feet, is occupied by two duplexes and a single-family home and measures 18,750 square feet (0.43 acres). The rear portion is vacant and measures 22,500 square feet (0.517 acres). The tract's total dimensions are 150 feet X 200 feet (150 ft. edge fronts E. 51<sup>st</sup> St.). The associated zoning case is a request to upzone the property from SF-3-NP to LR-MU-CO-NP. Zoning case number is C14-04-0015, and zoning case manager is Glenn Rhoades, 974-2775.

### **STAFF RECOMMENDATION:**

The Neighborhood Planning & Zoning Staff recognizes that the proposal has certain qualities that are compatible with the North Loop vision. However, the request for commercial-mixed use is intense, given the tract's configuration and surrounding environment. Staff recommends against the applicant's request; staff alternately recommends a change in the land use designation higher-density single-family residential.

*Commercial-mixed use is intense and inappropriate for this location:* The tract is approximately .95 acres and is located midblock between a cemetery to the west and single-family homes to the east. With a depth of 200 feet, it stretches deep into a block of single family lots. Specifically, the east side of the tract shares property lines with six single-family homes, and the rear backs up to three more single-family properties (*see map*). The tract faces a single-family home located across E. 51<sup>st</sup> St, and single-family homes line E. 51<sup>st</sup> St. as it extends east. E. 51<sup>st</sup> St. is a two-lane roadway with no on-street parking and is a designated arterial.

Finally, the tract is located just above the rise of a hill that visually separates the single-family neighborhood (top of the hill) from the cemetery and Texas Parks and Wildlife property to the west (bottom of the hill). The visual separation provided by the hill enhances the single-family character of the area. The hill, the two-lane roadway, and the midblock location of the tract impose parameters that limit the viable uses on a tract transitioning from a single-family neighborhood.

*Higher-density single-family residential is an appropriate transition land use in this location:* The standardized function of the higher density single-family land use category is as follows. Its purpose is to provide options for the development of higher-density, owner-occupied housing in urban areas and encourage a mixture of moderate intensity residential on residential corridors (uses include townhouses and condominiums). It is to be applied in locations where it can appropriately manage development on major corridors that are primarily residential in nature. It should also be applied where it provides a buffer at the edge of low-density residential areas. When applied to the E. 51<sup>st</sup> St. tract inside the North Loop Urban Core Plan Area, higher density single-family fulfills all of the criteria listed above.

Finally, a change to higher density single-family adds a measure of flexibility to this relatively large tract in a challenging location. As a transition between the single-family homes and the state-owned property (including the cemetery and the Texas Parks and Wildlife facility), the higher density land use is well suited.

**NEIGHBORHOOD PLANNING TEAM RECOMMENDATION:**

The North Loop Planning Contact Team recommends the proposal to change to commercial-mixed use because they believe it supports the growth pattern envisioned and established in their Neighborhood Plan: *"The North Loop Neighborhood Planning Area of the future is a vibrant mixed use neighborhood, where commercial and residential uses are combined, and designed in a way that creates an interesting streetscape and built environment. Compatibility is important, but so is uniqueness and a[n] eclectic character. The North Loop Neighborhood Planning Area of the future is envisioned as a place where the needs of everyday life are available within walking distance from where most people live."* The team reasons that the request for the three street-fronting lots combined with the large vacant lot to the rear is modest and self-contained. They believe the plan amendment could give rise to a structure that would help *"create an interesting streetscape"* and contribute to North Loop's *"eclectic character."* Moreover, they support a plan amendment that could *increase* density to the extent that it supports locally-owned-businesses. Their recommendation hinges on the fulfillment of crafting an agreeable restrictive covenant that would mandate development of at least 3000 square feet of commercial and 3000 square feet of residential, ensuring mixed use.

**ATTACHMENTS:**

Exhibits "A"- "M"

**PLANNING COMMISSION DATE:**

April 13, 2004

May 11, 2004

**ACTION:**

POSTPONED due to incorrect agenda posting

No Recommendation (see Exhibit B)

**NEIGHBORHOOD ORGANIZATIONS in North Loop Planning Area:**

Northfield Neighborhood Association

Morningside/ Ridgetop Neighborhood Association

EYE-H35/ Airport Blvd. Neighborhood Association

North Loop Neighborhood Planning Contact Team

**CASE HISTORIES (Zoning and/or Neighborhood Plan Amendments):**

NUMBER	REQUEST	CITY COUNCIL
NP-02-0011	North Loop Neighborhood Plan	Approved 5-23-02
C14-02-0009	North Loop Neighborhood Plan Combining District Rezonings	Approved 5-23-02

**CITY COUNCIL DATE:** June 24, 2004

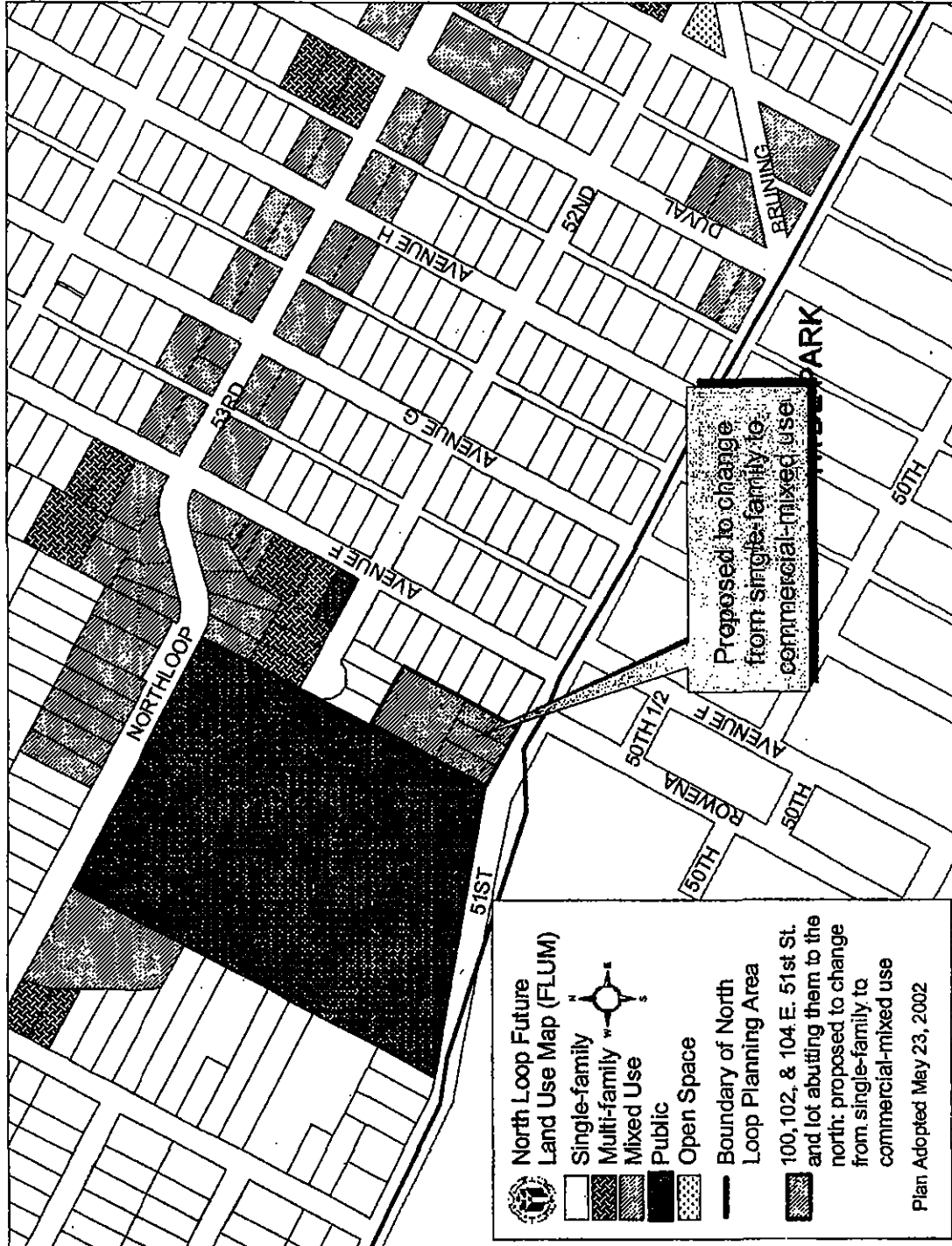
**ACTION:**

**CASE MANAGER:** Kathleen Welder (plan amendment)

**PHONE:** 974-2856

**EMAIL:** [kathleen.welder@ci.austin.tx.us](mailto:kathleen.welder@ci.austin.tx.us)

# EXHIBIT A



Plan Amendment: NPA-04-0011.01  
 Location: 100-104 E. 51<sup>st</sup> St.  
 North Loop Planning Area  
 Proposal: Change FLUM designation from single-family to commercial mixed-use  
 PC Hearing Date: May 11, 2004

# EXHIBIT B

## MEETING SUMMARY

Approved by PC May 25, 2004

### CITY PLANNING COMMISSION

May 11, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M. **COMMENCE 6:06PM; ADJOURN 10:28PM**

\_\_\_\_ Maggie Armstrong, Secretary

**ABSENT** \_\_\_\_ Jerome Newton

\_\_\_\_ John-Michael Cortez

\_\_\_\_ Chris Riley, Chair

\_\_\_\_ Cid Galindo

\_\_\_\_ Niyanta Spelman, Vice Chair

**ABSENT** \_\_\_\_ Cynthia Medlin, Asst. Secretary

\_\_\_\_ Dave Sullivan, Parliamentarian

\_\_\_\_ Matthew Moore

### A. REGULAR AGENDA

#### EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

**NO EXECUTIVE SESSION**

#### CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

**NO SPEAKERS**

#### APPROVAL OF MINUTES

2. Approval of minutes from April 27, 2004.

**MOTION: APPROVE BY CONSENT**

**VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>; CM, JN- ABSENT)**

#### DISCUSSION AND ACTION

Facilitator: Katie Larsen, 974-6413

katie.larsen@ci.austin.tx.us

- 3. Neighborhood Plan Amendment:** **NPA-04-0011.01 - E. 51st Street-North Loop Plan Amendment**
- Location: 100-104 & 0 E. 51st Street, Waller Creek Watershed, North Loop Planning Area NPA
- Owner/Applicant: Applicant: North Loop Neighborhood Planning Contact Team;  
Owner: Eileen Merritt, Inc.
- Agent: Mike Rhodes, Eileen Merritt, Inc. and Don Smith, Northfield Design Associates, PLLC
- Request: Change the North Loop Future Land Use Map designation from single-family residential to commercial-mixed use.
- Staff Rec.: **NOT RECOMMENDED (Alternate Staff Recommendation: Higher density single-family)**
- Staff: Kathleen Welder, 974-2856, kathleen.welder@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

SEE ITEM 3 FOR DISCUSSION, MOTION AND VOTE

- 4. Zoning:** **C14-04-0015 - 51st Street Mixed Use**
- Location: 100-104 and 0 E. 51st Street, Waller Creek Watershed, North Loop Planning Area NPA
- Owner/Applicant: Eileen Merritt, Inc.
- Agent: Mike Rhodes, Eileen Merritt, Inc. and Don Smith, Northfield Design Associates, PLLC
- Request: SF-3 to LR-MU-CO-NP
- Staff Rec.: **Staff's alternate recommendation is SF-5-NP**
- Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

Kathleen Welder presented the staff recommendation.

Ms. Welder thought lots probably illegally subdivided. Commissioner Sullivan asked if the property would have to be legally subdivided before submitting a site plan. Ms. Welder said yes. Ms. Welder said the owner has already submitted a subdivision for the property.

Glenn Rhoades presented the zoning staff recommendation.

## PUBLIC HEARING

FOR

**Don Smith**, principal of Northfield Associates, said he could wear several hats as a neighborhood resident, neighborhood plan team member, and proponent of curbing sprawl. The property is located next to a cemetery, and across the cemetery is a Parks and Wildlife center. The project will be designed according to Neighborhood Mixed Use Building requirements. The mixed-use project would be the highest and best use. The property benefits from superior street visibility, and the project is a textbook example of what the neighborhood plan asked for. It also will provide a transition from the housing to the cemetery, intramural fields and office buildings. The proposed zoning would trigger stormwater controls that SF-3 would not require. In addition, the

zoning would bring in additional property tax revenue. He pointed out that the Smart Growth matrix granted many points for "trailblazer" developments, such as the one proposed for this site. So, there is a developer willing and able to do this type of project, despite the risk, and the success of this development would encourage others to build similar projects. His client is willing to agree to conditions, such as prohibiting certain uses. The client will install a sidewalk as requested in the neighborhood plan. He is willing to work with the neighborhood. The property was not rezoned during the neighborhood planning process because staff said that spot zoning would not be done.

Commissioner Sullivan asked Mr. Smith about the underutilized small office buildings along North Loop Blvd. Mr. Smith said that there is not that much vacant land, and most of the buildings are owned outright so there is no incentive to demolish the buildings and take on the debt to create a new building.

Commissioner Sullivan asked Mr. Smith what restaurant is planned for the site. Mr. Smith said something like New World Deli is envisioned for the site.

Commissioner Galindo asked why he thinks it is the case that access would improve if the site is redeveloped. Mr. Smith said that currently there is a broad curb cut that stretches along most of the property. Cars park along that curb cut. Redevelopment of the site would reduce the curb cut to a driveway that will organize exiting traffic.

Commissioner Galindo expressed his concern about all the traffic along East 51<sup>st</sup>. Mr. Smith acknowledged that 51<sup>st</sup> is a busy street, Mr. Smith said that if the property is developed as SF-3, the exit would be in the middle of the lot which would be less desirable than having the exit at the end of the lot near the cemetery.

**Matt Hollon**, vice president of Morningside Ridgetop Neighborhood Association and member of North Loop Neighborhood Planning Team. The traffic on East 51<sup>st</sup> separates the single-family. The traffic will continue to increase along the road because of the Triangle and Mueller redevelopment. Some have expressed concern about the additional "cut-through" traffic, but not sure it makes sense to call traffic on an arterial as "cut-through." There was not a 51<sup>st</sup> Street corridor plan in the neighborhood plan, but this should not prevent us from taking this opportunity. The applicant will provide housing, retail and construct a sidewalk.

Mr. Hollon responded to Commissioner Riley's concern about the process the neighborhood plan team followed to make decisions about the proposed project. He said that the team meets quarterly, and first met in August of 2003. They had a meeting in December, and later had meetings after sending out correct notification. At the March 23, 2003 meeting, the Team did vote, and re-affirmed the vote with a vote of 13 to 1 to support the project. Mr. Hollon said that as a result of that experience, by-laws changed to allow the neighborhood team to either 1) tell the applicant the neighborhood association would not submit the application or 2) submit the application on applicant's behalf, but decide on whether or not to support it at a later meeting.

Commissioner Riley asked how someone can join the North Loop Neighborhood Plan Team. Mr. Hollon said that those who attend the meetings 3 out of the four during the year can become voting members. Commissioner Spelman asked how many members are on the Team.

Commissioner Cortez said if the property is rezoned, it would be spot zoning. Mr. Hollon said that he researched spot zoning, and said that it does not apply in this case. The proposed rezoning fits within the neighborhood per the plan. Mr. Hollon said that he is confused as to why staff says LR is incompatible with single-family because the purpose statement of LR, Neighborhood Retail, says it is intended to provide services adjacent to and compatible with neighborhood.

**Bill Yoder**, former Chair of the North Loop neighborhood planning team, explained that the team met several times to vote. At the end of the March 2004 meeting, after two hours of focused discussion, still decided to support the zoning. The bylaws of the North Loop Team are on record at the City.

**Kirsten Bartel**, lives on Evans Avenue, and is a member of Neighborhood Planning Team and Northfield Neighborhood Association. They have been carless for several months. They bicycle to grocery store and other stores. The mixed-use zoning will make the neighborhood pedestrian and accessible. She has heard about traffic, and the concern about speeding. She says people speed because they can, because we provide wide pavement.

**Patrick Goetz**, said that one of the reasons they supported the project was to slow down traffic by creating a pedestrian generator. He does have concerns about process, but concerns about pressuring people to sign petition against zoning. The Team did listen to the arguments against, but they did not make sense. One person would say that it's a corporation trying to make money, and another would conflict with that and say there is already vacant commercial space in the area.

Commissioner Moore asked why zoning cannot be for a project. Marty Terry, Assistant City Attorney, said that zoning is for land uses, not for a specific project. The way you get there, she said, to get specific requirements, is to prohibit certain uses or impose conditions through conditional overlay or private restrictive covenant.

**Jay Reddy**, president of the Northfield Neighborhood Association, said that the neighborhood association voted 30-4 in favor of the rezoning request. The association sends about 1400 newsletters out informing owners of association meetings.

#### FOR- NOT SPEAKING

Ashley Montague- donated time to Bill Yoder  
Jan Seward- donated time to Matt Hollon  
Henry Stone- donated time to Matt Hollon  
Laura Stone- donated time to Don Smith  
Laura Smith  
Richard Smith  
Kris Schludermann  
David Papas

#### AGAINST

**Maya Gamble**, owns house and lives on Avenue F (immediately adjacent to subject site), said she has five main arguments against the proposed zoning change. First, the overwhelming majority are opposed to the proposed rezoning. She did not browbeat or mention McDonalds to

gather signatures as a previous speaker suggested. Through her efforts and those of other neighbors, 24 of the 28 adjacent property owners signed against the zoning change. Three of the four that are missing are out-of-state that have not been contacted. The 43% is deceiving because 24 of the 28 owners have signed against it. Second, the existing zoning is appropriate. There is plenty of vacant commercial property within the area. And there are plans for more commercial development in the area, including the Triangle. Thirdly, the site is off to the side, and not that accessible. Building large residences would not be compatible with the smaller adjacent homes. Fourthly, the zoning would be spot zoning. The Team vote should be discounted due to lack of involvement or notification of affected property owners. She did attend the December meeting, but there was a sense she was not being listened to. The future land use map says the appropriate use is single-family. Lastly, it would be extremely unfair to the adjacent property owners to change the zoning. The owners would not have paid what they did or selected the home if knew commercial development would go on to that property. The owner knowingly bought property with SF-3 zoning. There is no hardship in this case. The property does fall at the base of the hill and on a curve, so a residential use would generate less traffic. Also, pedestrians would not be able to safely cross.

Commissioner Sullivan asked about her opposition to SF-5. Ms. Gamble explained that SF-5 would permit nicer projects like condominiums, but also have to look at what the zoning would allow, and that includes large duplexes.

Commissioner Armstrong asked about the revised duplex ordinance.

Ms. Gamble, responding to Commissioner Moore's question, said that her main concern is that there would be a restaurant literally in her backyard. She does not want spillover parking, trespassing from pedestrians, people smoking or drinking behind or in front of her house. She has a young child that she does not want to have him exposed to second hand smoke. The parking and the traffic would directly affect her.

Kathleen Welder clarified that liquor sales would not be permitted in the limited restaurant use. In addition, a patio with a table would be considered usable space, and so not permitted within the 25 foot setback.

**Tina Dacus**, owns house at 5101 Avenue F, said she had serious reservations about buying a house on the corner of a busy arterial, but she decided to purchase the property because of the surrounding single-family uses. Traffic on the weekends is not as busy. She was assured with the approval of the neighborhood plan that the property would remain SF-3. The owner knew the constraints of the property, and should have made plans if the zoning is not approved. She is not making improvements because of her concern about the proposed commercial development. Her property has been falling in value, and a mixed-use project might affect the value more. She is concerned about overflow parking, traffic and the value of her property.

Bruce Nadig said that there is vacant commercial and office space, and the Triangle development is struggling to find retail tenants. The Hyde Park commercial area has been present since 1927. In contrast, this property has not been commercial. Duval and 43<sup>rd</sup> St are straight and clear with good line of sight, but that is not the case for 51<sup>st</sup> Street. Pedestrians can easily move around at Hyde Park, but not that easily on subject site. Pedestrians should not be used as traffic calming



devices. He does not understand why staff is recommending SF-5 since no one has requested it. The question tonight is whether it should be SF-3 or commercial. The owner is showing what they can do, not what they will do.

**David Hoffman**, showed photos of traffic on Sunday versus traffic at rush hour during the week. The area in front of the property is an accident prone area. When the traffic flow is interrupted, some people use the alleys. He rarely drives, and that is why they chose the neighborhood. The Triangle is walkable from their neighborhood. There does not seem to be a compelling reason to spot zone because of the proximity of the commercial development.

**Lisa Hoffman**, member of North Loop NPT, member of Hyde Park neighborhood association, and resident of 5102 Avenue G. They oppose the request for the following reasons: 1) They support the future land use map designation of SF-3, 2) the plan amendment process was one-sided- the opposition was not allowed to present a case against, so the North Loop Team vote should be discounted. The owner hired the Vice Chair of the North Loop team. The vice chair presented the plan to the Team, and though he recused himself, his influence is undeniable. 3) They have a personal stake in this rezoning request because of the impact on their residence. They have everything they need within walking distance or on a bus route.

**Ryan Clinton**, resident at 504 Martin Avenue, said he has three concerns. First, there is an unfairness of allowing a developer to purchase a SF-3 property in an SF-3 neighborhood and request commercial zoning. It is also unfair to place the burden of commercial development in a neighborhood. Secondly, the location of the commercial development is inappropriate. Despite its high traffic it is a small residential road. It is unsafe in the area because of the traffic. Thirdly, the scale is inappropriate. Mike is known for building in one size, supersize. He regrets speaking against the project because the applicant is his neighbor.

Commissioner Sullivan pointed out that Mr. Clinton lives 5 blocks away from the property, and asked why it is salient to him. Mr. Clinton said that his reasons were stated earlier. Commissioner Moore asked about his concerns about decreased property value. Mr. Clinton said that when people are buying a house in Hyde Park they are looking for character and feel. When that feel is gone, the houses are not attractive. They buy it for character and feel, not because it makes economic sense.

**Chris Gamble**, adjacent to subject property, is opposed to the rezoning request. There is no additional commercial property needed in this neighborhood. Second, the project would exacerbate existing parking and traffic problems, and raise concerns about those passing through. Thirdly, he said that he does have anecdotal evidence that the properties next to the commercial development are in disrepair and have lower values.

**Jason Burch**, owns the Flightpath Coffeehouse and also lives at 52<sup>nd</sup> and Duval. He is concerned about traffic because people take East 51<sup>st</sup> Street. He knows that people do not like to live next to commercial development. No one wanted to purchase the house next to his coffeehouse, so it became a rental property. Students live there. He added that he knows everyone on the right side of the room on a first name basis. He knows they want to create a neighborhood with mixed-use. The owner is blinded by his own vision- the project is not right for this site. His property is on the corner, unlike the subject property. The stop sign helps slow down traffic in front of his store,

but there is not a similar traffic calming device for the subject property. Residential properties close to commercial are rental.

**Julian Henry** said that character and traffic are his main concerns. The residences near existing commercial know it exists. In this case, those that have SF-3 zoning behind them now have

**Andrew Homer** said he is concerned about traffic. He participated in the Hyde Park NPT. Mr. Rhodes, the developer, proposed several superduplexes in his subdivision. There is no reservoir of goodwill for Mike Rhodes, and that explains why those who live several blocks away are speaking against the rezoning request. Lastly, he bought the property on a speculative basis, that takes adjacent homeowners by surprise.

Commissioner Galindo asked if Mr. Rhodes has built commercial buildings. Mr. Homer said that he cannot speak to commercial, but for the residential development he has done, it is out of scale.

Commissioner Galindo pointed out that the current SF-3 zoning would permit large duplex units, so how would that be better than the commercial development.

**Justin Duval** said he bought his residential property to be near Hyde Park. His main concerns are that the appeal of the neighborhood would go away with the commercial development and that the development on the site could be something other than what is currently proposed.

**Stanley Kozinsky**, Chairman of the Hyde Park Neighborhood Association Development Committee, said that association voted to approve the SF-5 zoning. He is concerned about the potential of the zoning to recreate Koenig Lane, where a precedent was set to begin rezoning the area along the roadway to commercial. Mr. Kozinsky said that there is a benefit to having regular users of the driveway, like residents of a townhouse development because they know where to turn, whereas customers may not be familiar with vehicle entrance.

**Alex Kapiwoda**, 5101 Martin Avenue, lives across the street from Mr. Rhodes large house. There was a vacant lot. He said that they cannot believe what Mr. Rhodes says, because of his experience with the house that he built across from his house. There is no reason to transition between dead people and people living in homes.

#### AGAINST- DID NOT SPEAK

Randal Bansford- donated time to Maya Gamble

Shirley Mount

Geoff Mount

Lori Jagisch

Monica Scott

Katy Trosper

David Campbell

#### REBUTTAL

**Don Smith**, representative of Northfield Design Associates, said that he was not asked to trade-up his goodwill to assist Mr. Rhodes. He actually marketed his mixed-use project idea to Mr. Rhodes. He wanted to make sure it was clear which direction that went. Mr. Smith reiterated that

the existing buildings in the area are not going to be redeveloped because they are cash cows. And just because there is space available that does not mean it is appropriate space. He stressed that the proposed project is what is desired in the neighborhood plan. He read an email from Kathleen Welder, City staff, which states that the proposed project traffic impact would be 1,000 trips, an overestimate.

Commissioner Riley asked Mr. Smith to respond to neighborhood concerns about proposing commercial development in a neighborhood. Mr. Smith said that he sees it as a property that is not located within a neighborhood, but rather on the edge, adjacent to large tracts of essentially vacant land owned by governmental entities.

**MOTION: CLOSE PUBLIC HEARING**  
**VOTE: 7-0 (DS-1<sup>st</sup>, NS-2<sup>nd</sup>; CM, JN- ABSENT)**

#### COMMISSION DISCUSSION

Commissioner Sullivan suggested restrictions on driveway access, and right-in and right-out requirements. Mr. Glenn Rhoades, city staff, said that would probably have to go into a restrictive covenant. Commissioner Sullivan asked if 30 feet was the magic number to prevent stilt parking. Staff responded they did not know.

Commissioner Spelman asked about the back vacant lot. Mr. Rhoades said that selling the front lots would leave the back lot without frontage or dedicated access which would not be permitted under the subdivision requirements.

Commissioner Riley asked whether the Flightpath Coffeehouse complies with current compatibility standards. Mr. Rhoades said probably not. Commissioner Riley read the compatibility standards that would apply to the site, and then asked Mr. Hollon about proposed conditional overlays for the property addressing compatibility. Mr. Hollon explained the current overlay conditions the applicant would agree with.

Commissioner Riley asked what assurances are in place that the development would not negatively impact neighborhood. Mr. Hollon said that a restaurant would have an impact on overflow parking, but so would five duplexes located on the site. He said it comes down to a philosophical difference of either wanting an urban mixed-use environment, or a residential environment.

Commissioner Galindo said 5 duplexes with 2 units each with 3 bedrooms each could be built on the site with the existing SF-3 zoning. Mr. Rhoades, NPZ staff, said it is possible.

Commissioner Sullivan suggested a vegetative buffer, and Mr. Rhoades said that could be done.

Commissioner Cortz made a motion: Approve staff recommendation, with additional conditions: 1) additional 10 foot setback on the east side and the north side, 2) height restriction of 30 feet and 3) 3 bedrooms per unit if built as duplex. He said that economic conditions should not influence zoning decisions because market conditions can change, but the land use is around for much longer. It does disappoint him that the property is inconvenient, and the plan did not call

out for commercial at this site. No matter what happens traffic will get worse. East 51<sup>st</sup> Street is between the largest highway and the largest employer in the City.

Commissioner Sullivan seconded the motion. He said that though he supports the vision of mixed-use, this is not the right location to do it. He said that there has to be buy-in from the neighbors. The people adjacent to commercial chose to live next to commercial, but in this case commercial would be added after people have chosen their place of residence.

Commissioner Spelman said that the petition is at 43%, and that is significant. She recognizes that some people want SF-3, but she cannot support that because SF-5 could provide the better development. As Commissioner Galindo pointed out, under SF-3, 5 duplexes with 30 bedrooms could be built on the site currently. A townhome development would be the best for the site. The site needs to be developed.

Commissioner Armstrong said she would support the motion. She likes the project, but thinks it is the wrong location. Need to respect property owners immediately adjacent to the property.

Commissioner Galindo said he would oppose the motion. His perception is that the property is on the edge of a wonderful neighborhood. He does not think the project would affect the feel of the neighborhood. He is a person that prefers an urban neighborhood where he can walk to commercial. And even with SF-5 zoning, there will be 30 bedrooms permitted on the site, and he thinks that would have negative impact more than the proposed commercial development.

Commissioner Moore said he cannot support the motion. He pointed out the problems with sprawl and how that problem needs to be addressed, and this project is a good start to changing development.

Commissioner Spelman said that the planning principles are not clear cut in this case. Commissioner Moore said that he is concerned that the Commission would be sending a message that mixed-use projects would not be approved. Commissioner Sullivan countered and said that this is already a mixed-use neighborhood, so this should not be considered a referendum on who supports mixed-use and does not support mixed-use.

Commissioner Riley said it is a struggle, because he enjoys living in a mixed-use neighborhood. He thinks there is a possibility that the value could be enhanced by a good mixed-use development. He pointed out that the North Loop Neighborhood Plan stands out as the neighborhood plan that is notable in its emphasis on creating a mixed-use neighborhood. The overall gist of the plan is that the neighborhood wanted to see one's daily needs met by foot. He thinks about the all the work of the neighborhood plan team, so out of respect for those involved, he will not support the motion.

**MOTION: APPROVE STAFF RECOMMENDATION WITH THREE ADDITIONAL CONDITIONS: 1) additional 10 foot setback on the east side and the north side, 2) height restriction of 30 feet and 3) 3 bedrooms per unit if built as duplex.**

**VOTE: 4-3 (JC-1<sup>st</sup>, DS-2<sup>nd</sup>; NS, MA, JC, DS- FOR; CR, MM, CG- AGAINST; CM, JN- ABSENT)**

**MOTION FAILED.**

Commissioner Armstrong pointed out that the applicant proposes 10 units, that could have 30 bedrooms, in addition to commercial, so she cannot see the argument against SF zoning that would allow duplexes with 30 bedrooms.

Commissioner Cortez said that there needs to be respect for the deliberative neighborhood planning process. He thinks it's a great project, wrong location.

Commissioner Spelman said that perhaps something went wrong with the process as evidenced with the valid petition. Commissioner Sullivan said that he has lived in dense urban environment and likes it, but his concern is that this is bringing commercial into an area that did not expect it. His decision on this request is shaded by the applicant's previous development projects. Commissioner Riley said that the applicant's 25 foot vegetative setback could be a better setback than what would be permitted under the SF zoning. There is an opportunity to discuss the case in terms of how the commercial development could be better than the existing zoning.

***MOTION: APPROVE APPLICANT'S REQUEST***

***VOTE: 3-4 (CG-1st, MM-2<sup>nd</sup>)***

***MOTION FAILED.***

***FORWARDED TO COUNCIL WITH NO RECOMMENDATION***

**5. Final without Preliminary:**

**C8-03-0145 - Motloch Corner Subdivision**

Location: Grove Avenue @ E. Northloop Blvd., Williamson Creek Watershed, Brentwood NPA  
 Owner/Applicant: Anita K. Motloch  
 Agent: Jim Bennett  
 Request: The applicant requests approval of a resubdivision which seeks to combine a portion of one lot into two lots.  
 Staff Rec.: **RECOMMENDED**  
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us  
 Watershed Protection & Development Review Dept.

***MOTION: POSTPONE TO MAY 25, 2004 BY CONSENT***

***VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>; CM, JN- ABSENT)***

- 6. Final without Preliminary: C8-04-0056.0A - Teddy Place**  
 Location: Maxwell Ln, Carson Creek Watershed, Montopolis NPA  
 Owner/Applicant: Marbella Corporation (Mitchell & Jan Davis)  
 Agent: McDill Engineering (Tom McDill)  
 Request: Approval of the Teddy Place Final without Preliminary composed of 3 lots on .417 acres.  
 Staff Rec.: **Disapproval**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review Dept.

**MOTION: DISAPPROVE BY CONSENT**  
**VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>; CM, JN- ABSENT)**

- 7. Final without Preliminary: C8-04-0057.0A - Bell-Thomas Subdivision: Resubdivision of Lot 7, G.L. Robertson's Subdivision of Outlot 55, Division B**  
 Location: 1004-1006 Juniper St., Waller Creek Watershed, Central East Austin NPA  
 Owner/Applicant: C.O.A. - Neighborhood Housing Department (Sandra Harkins)  
 Agent: Martinez, Wright & Mendez (Owen Harrod)  
 Request: Approval of the Bell-Thomas Subdivision: Resubdivision of Lot 7, G.L. Robertson's Subdivision of Outlot 55, Division B composed of 2 lots on .28 acres.  
 Staff Rec.: **Disapproval**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review Dept.

**MOTION: DISAPPROVE BY CONSENT**  
**VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>; CM, JN- ABSENT)**

- 8. Portion of Street Vacation: 8031-0403 - Parking for Metz Recreation Center**  
 Location: 600 Block of Pedernales Street, Holly NPA NPA  
 Owner/Applicant: City of Austin  
 Agent: Norman Mattson  
 Request: Vacate a portion of Pedernales Street  
 Staff Rec.: **RECOMMENDED**  
 Staff: Chris Muraida, 974-7191, chris.muraida@ci.austin.tx.us  
 Andy Halm, 974-7185, andy.halm@ci.austin.tx.us  
 Public Works Real Estate Services

**MOTION: DISAPPROVE BY CONSENT**  
**VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>; CM, JN- ABSENT)**

## **B. OTHER BUSINESS**

### **ITEMS FROM THE COMMISSION**

**Consider Initiating Zoning for 515 Pedernales Street**

Commissioner Riley noted that initiating the case is not an indication that the Commission is in favor of the rezoning at this time. By initiating zoning all affected parties will notified and be given the opportunity to present their case, and the Commission will consider the merits of the request.

***MOTION: Initiate zoning case, and have Comprehensive Committee review the case.***

***VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>; CM, JN- ABSENT)***

Report from the Committee Chairs

None

Periodic Reports from Zoning and Platting Commission

None

# EXHIBIT C

## North Loop Neighborhood Planning Team



December 15, 2003

Lydia Ortiz, Chair  
Planning Commission  
City of Austin  
One Texas Center  
721 Barton Springs Road  
Austin, TX 78704

Dear Ms. Ortiz and Members of the Planning Commission:

At our North Loop Neighborhood Planning Team (NLNPT) meeting on December 9th, 2003, the 12 team members in attendance<sup>1</sup> and 2 members voting by letter **unanimously endorsed** the request from Mr. Mike Rhodes (Construction Development Group) and Mr. Don Smith (Northfield Design Associates, PLLC) to change the zoning from SF-3 to LR-MU-NP for lots at 100, 102, and 104 E. 51st Street plus the square lot in back of these lots to the north. This endorsement also supports a future land use map plan amendment in the North Loop Neighborhood Plan for these affected properties for the same zoning change.

The applicants have declared in writing that they will restrict the following 18 uses within the LR zoning category:

- |                                      |   |
|--------------------------------------|---|
| 1. Bed & Breakfast                   | 11. Day Care Services (Commercial)                    |
| 2. Consumer Convenience Services     | 12. Family Home                                       |
| 3. Consumer Repair Services          | 13. Group Homes                                       |
| 4. Financial Services                | 14. Guidance Services                                 |
| 5. Funeral Services                  | 15. Local Utility Services                            |
| 6. Medial Offices                    | 16. Public and Private, Primary and Secondary Schools |
| 7. Off-Site Accessory Parking        | 17. Religious Assembly                                |
| 8. Pet services                      | 18. Telecommunication Tower                           |
| 9. Service Stations                  |   |
| 10. Communication Service Facilities |   |

Mr. Smith told the NLNPT that he expected no variances would be requested as part of this development. This would mean that a 25-foot compatibility setback would be

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<sup>1</sup> NLNPT Member Don Smith was in attendance but recused himself as a participant in the proposed project.



required along the north and east boundaries of the subject property with adjacent SF-3 (single family) residential properties.

This decision followed an initial presentation by Mr. Smith and Mr. Rhodes at our August 27th, 2003 NLNPT meeting. The matter was also presented to all NLNPT members (and the larger community) via email prior to the meeting. This system—presentation at one meeting, discussion between and among members, and consideration for approval at the subsequent meeting—helps enable our group to comment on proposed changes to our Neighborhood Plan. The project was also presented before the Northfield Neighborhood Association at two separate meetings with no objections from those present.

The Planning Team supported the proposed zoning change and mixed use project for the following reasons:

- Mixed-use developments are strongly encouraged in our North Loop Neighborhood Plan. Our vision statement states the following:

In the year 2020 the North Loop Neighborhood Planning Area will be a vibrant, friendly and livable neighborhood that is characterized by: a variety of housing and people; pedestrian orientation...; shady, tree-lined streets; a mix of land uses that complement the local neighborhood and are at a density which will support local businesses and transit; locally owned businesses that are neighborhood oriented; and parks and plazas which will act as public gathering places.

The North Loop Neighborhood Planning Area of the future is a vibrant mixed use neighborhood, where commercial and residential uses are combined, and designed in a way that creates an interesting streetscape and built environment. Compatibility is important, but so [are] uniqueness and a eclectic character (pp.10-11).
- The proposed project provides an appropriate gateway and transition from the institutional uses to the west and the single family uses to the east. Currently, the four tracts are relatively isolated from the neighborhood. They primarily face the cemetery and 51st Street as opposed to being among single-family residences.
- The proposed development will create small commercial and multifamily units appropriately scaled to the neighborhood.
- The developers will impose a restrictive covenant on the properties to ensure that the development is actually mixed use and not entirely commercial or multifamily. The key provision is as follows: maximum square footage of commercial and multifamily building space is not to exceed 65% for either type.
- The potential and most probable SF-3 configuration if the mixed-use zoning is disapproved is that of 6 duplexes. This scenario is as intensive as the LR-MU version but less beneficial to the neighborhood (and with buildings 5-feet from adjacent SF-3 properties rather than 25 feet).
- The existing single-family duplexes located on the properties use are dilapidated and unsightly, a detriment to the neighborhood. Redevelopment of the tract is welcomed under the right circumstances.

# EXHIBIT D

Eileen Merritt, Inc.  
4611 Bee Caves Road, Suite 200  
Austin, TX 78746

April 6, 2004

City of Austin  
Neighborhood Planning and Zoning Department  
505 Barton Springs Road  
Austin, TX 78767-8835

City of Austin Planning Commission  
505 Barton Springs Road  
Austin, TX 78767-8835

Re: File Number NPA-04-0011.01 (100-104 E. 51<sup>st</sup> Street)

To Whom It May Concern:

This letter is offered to you as a statement of our position, as the applicant, for the zoning change from SF-3 to LR-MU-CO-NP. Our company purchased the property in May of 2002 with the intention of redeveloping the property. Before purchasing the property we did normal due-diligence to ensure that we could profitably develop it under SF-3 zoning.

Our decision to seek mixed-use zoning resulted from three considerations: conformity with the desires and objectives of the North Loop Neighborhood Plan; site constraints that lend themselves to development under a consolidated site plan; and a belief that the requested zoning will provide for a reasonable use of the property—one that is appropriately scaled, compatible with the surrounding neighborhoods, and that will enhance the neighborhood. Through many meetings with the North Loop Neighborhood Planning Team (NLNPT) it has become apparent that members of the NLNPT agree with us.

The property is located on the north side of 51<sup>st</sup> Street in the Northfield Neighborhood. 51<sup>st</sup> Street serves as the boundary between Northfield and Hyde Park. The site is 150 feet by 275 feet, with 150 feet of frontage on 51<sup>st</sup> Street. The South 80 feet of the property contains 3 dilapidated rental structures (2 duplexes and 1 single-family home) and the remaining 195 feet is undeveloped. The State Cemetery borders the West side of the property and the remaining two sides are bordered by single-family homes and duplexes.

Under the current zoning, the property can only be redeveloped through re-platting. While there are probably other options for this type of redevelopment,

## [EXHIBIT "E" IN BACKUP]



we have included our best effort in Exhibit "A". Any re-plat under the current zoning will require flag lots in order to access the undeveloped rear portion of the property. This configuration "squeezes" the improvements to the sides of the property, but will allow for up to 29,400 square feet of single-family homes and/or duplexes. While technically and economically feasible, both the NLNPT and we believe that this option will produce the least desirable result for the neighborhood and adjacent property owners.

Because of the limited amount of frontage, we feel that a zoning district that will allow for a consolidated site plan will yield a much more aesthetically pleasing development with a superior street presentation. Aside from this important benefit, we feel that one consolidated site plan will allow for several other benefits, including better and safer ingress and egress, greater setbacks from all property lines (except 51<sup>st</sup> Street), tighter controls on density, improved access for emergency vehicles, open space, and accessibility. A rough site plan for our proposal, along with a sketch of the proposed commercial building is included in Exhibit "B". While there is the potential of offsetting these benefits by potential negatives, we are willing to add protective measures that will mitigate the potential negatives. In an effort to present these issues quickly and concisely, we offer the following "bulleted" points:

**Commercial Presence:** This issue has been hotly debated among all interested parties. The NLNPT and we believe that this location is ideal for a small-scale neighborhood-oriented retail/office/residential mixed-use development. Many nearby residents disagree with our collective opinion that this will be a beneficial use of the property. It is impossible to conclude that one side or the other is correct, as this is largely a matter of opinion, but there are a great number of people who strongly believe that a commercial use at this location will be beneficial to and enhance the long-term livability of the neighborhood. Further, we feel that a careful reading of the neighborhood plan reveals that this proposal is entirely consistent with the objectives outlined therein.

**Development Controls:** We have worked hard with the NLNPT to put together a list of controls that will restrict the development and use of the property to meet the objectives and address many of the concerns that neighbors have about this zoning. A list of restricted uses and development controls has been included in the packet, and we feel that these are adequate to protect against most of the potential negatives.

**Street Presentation:** We and the NLNPT believe that the requested zoning will allow for the most pleasing street presentation, and that it will have a traffic calming effect on this corridor. A consolidated site plan for this property will allow for one-way ingress and egress on the sides of the property, and for a structure that presents itself to the street appropriately.

**Traffic Concerns:** Traffic concerns have been debated over and over again. The NLNPT and we believe that this proposal has the potential to improve traffic on 51<sup>st</sup> Street rather than exacerbate it. As opposed to accessing through the middle of the property, we want to use the eastern side of the property for ingress and the western side for egress. Placing the drives in this manner will provide the safest egress available for the site. We also believe that a commercial street presence will provide a visual stimulation that may cause drivers to slow down as they drive past this property and the avenues to the east of the property.

**Setbacks and Compatibility:** The requested zoning will trigger compatibility requirements for the adjacent properties and set any building 25 feet off of the nearest single-family home. Our proposed driveway positioning will increase this setback even more, providing 40-45 feet between our building(s) and these homes. An SF-3 development will necessarily result in a much closer proximity to the homes along Avenue F.

**Need for Commercial:** While not entirely subjective, this relates to how one perceives the neighborhood and what is desirable. Those opposed to our request claim that there is adequate and available commercial properties nearby, and that this development will not serve or benefit the nearby residents. They have presented numerous examples of available properties at one of our meetings in an effort to show that there is no demand. We feel that those examples are simply inaccurate assessments of the type of development this zoning will afford and are not located in areas that can serve pedestrians or nearby residents.

**Density:** Many residents have expressed concern that this proposal will allow for too much density on the site. We submit that this zoning will limit and control the density in a manner not otherwise available within the current zoning. The LR base district will only afford a Floor Area Ratio of .5, which will limit the density to 20,625 square feet. We feel that this amount of density, which is less than that currently allowed, is very reasonable for a site of this size in this location.

**Environmental Controls:** Even though this site is relatively small, the environmental controls of detention and water quality pond(s) that will result through the site plan process will be far superior than the lack of controls that are required under the current zoning.

**Landscaping:** The site plan process will also ensure that a reasonable amount of landscaping is placed on the site, and that this landscaping has the proper irrigation to be long lived. Trees will have to be included in order to meet the landscape requirements that would not otherwise have to be planted.

**Parking:** Without a doubt, this issue has raised legitimate concerns over how parking will be controlled and managed on the site. Neighbors are very

concerned over the effects of spill over parking, and so are we. While our plan is conceptual, we feel that with a retail space of less than 5,000 square feet, we can easily meet the 1:275 square foot parking ratio requirement, without taking the allowable 20% reduction for the urban core. While it is impossible to say with certainty that there will never be spillover effects, our goal of meeting this requirement should go a long way toward reducing the likelihood of it.

In closing, we respectfully request that due consideration be given to these very important factors. Unfortunately, this case has produced severe divisions between the NLNPT and some nearby residents. I think it is fair to say that all involved are extremely frustrated with the manner in which this case has progressed, and we are very conscious of the position in which that places the Planning Commission. We feel that this case boils down mostly to differences in opinion over whether or not this proposal meets with the objectives of the Austin Tomorrow Plan, as modified for this area by the NLNP, as well as sound planning principles. We understand that reasonable minds may disagree on this position, and look forward to your recommendation on this matter.

Respectfully Submitted,



Michael Rhodes, P.E.

# EXHIBIT E

Submitted to be included in Planning Commission backup, April 28, 2004

## DRAFT RESTRICTIVE COVENANT:

PROPOSED BY EILEEN MERRITT, INC., PROPERTY OWNER, AS A CONDITION OF UPZONING ON 100-104 & 0 E. 51<sup>ST</sup> St. to LR-MU-CO-NP.

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THE STATE OF TEXAS }

## RESTRICTIVE COVENANT AGREEMENT

COUNTY OF TRAVIS }

WHEREAS, Eileen Merritt, Inc., a Texas Corporation, whose mailing address is 4611 Bee Caves Road, Suite 200, Austin, TX. 78746, is the owner of the following property, to wit:

The South 75 feet of Lots 9, 10 and 11, and all of Lots 12, 13 and 14, Block I, Smith and Abrahamson Subdivision, an Addition to the City of Austin in Travis County, Texas, according to the Map or Plat thereof, recorded in Book 4, Page 252, of the Plat Records of Travis County; and

WHEREAS, the North Loop Neighborhood Association and Eileen Merritt, Inc. have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Eileen Merritt, Inc. and the North Loop Neighborhood Association, for good and valuable consideration, including the recitals set forth herein, the receipt and sufficiency of which consideration is hereby acknowledged, do hereby agree with the respect to said property described above, such agreement to be deemed and considered a covenant running with the land, and which shall be binding on it, its successors and assigns, as follows, to wit:

1. The property shall be developed as a mixed use development. There shall be a minimum of three thousand (3,000) square feet of commercial retail use located on the ground floor and must be designed in such a manner that the retail use presents itself to East 51<sup>st</sup> Street. There shall also be a minimum of three thousand (3,000) square feet of residential use on the site. Both the residential and commercial uses must be developed simultaneously.
2. No parking garage openings shall be visible on the East 51<sup>st</sup> Street side of the building.

3. Egress from the site shall be limited to the Western twenty-five (25) feet. Ingress shall be permitted anywhere on the site.

4. There shall be privacy fencing provided on the Eastern and Northern boundaries of the property to screen the site from the adjacent residential uses. This fencing shall be shown and detailed on the site plan.

5. A fence located on the East 51<sup>st</sup> Street side (South boundary) shall not exceed four feet in height, and shall have a ratio of open space to solid material not less than one (1) to one and a half (1.5).

6. Eileen Merritt, Inc. has deposited three thousand dollars (\$3,000), the "defense fund", in escrow to XXXXXXXXXXXXXXXX to ensure the enforceability of these covenants. This defense fund shall be distributed as needed to the North Loop Neighborhood Association in the event that Eileen Merritt, Inc., its successors or assigns, develops or attempts to develop the site in contradiction to any covenant contained herein. XXXXXXXXXXXXXXXX shall be responsible for determining whether there is reasonable uncertainty associated with the compliance of any covenant contained herein. Once XXXX has determined that there is a reasonable uncertainty he/she/it shall pay all retainers, invoices, or other bills incurred by the North Loop Neighborhood Association in any effort to enforce any covenant contained herein. Eileen Merritt, Inc., its successors or assigns, shall only be entitled to reimbursement of defense fund monies expended to enforce a covenant if it is finally adjudged that the site was not developed or intended to be developed in contradiction to any covenant contained herein. Once the site has been developed in accordance with all covenants contained herein, the defense fund shall be released to Eileen Merritt, Inc., its successors or assigns.

7. If any part or provision of this agreement or covenant herein contained shall be declared invalid by judgment, court order, administrative ruling, or legislative action, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portions of this agreement shall remain in full force and effect.

8. The failure at any time to enforce this agreement by the North Loop Neighborhood Association, its successors or assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

9. This agreement may be modified, amended or terminated only in writing by joint action of both (a) the North Loop Neighborhood Association and (b) by the owners of the above described property at the time of such modification, amendment or termination.

# EXHIBIT F



Northfield Design Associates, PLLC

5314 Avenue G Austin, TX 78751

Architecture / Urban Design / Planning

512-302-1458

nda@austin.rr.com

April 9, 2004

City of Austin Planning Commission  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78701

Dear Planning Commission Member:

I'm writing to introduce myself and to give you some information regarding a Zoning Change/Plan Amendment request that you will be considering on Tuesday, April 13.

My name is Don Smith, and I'm an architect in independent practice. I have lived at 5314 Avenue G since May of 1996 and have been very active in both the Northfield Neighborhood Association and the North Loop Planning Team. I represent Mike Rhodes and his partners in this zoning case, and have an agreement with them to be their architect whatever they end up building.

The piece of property under consideration is unique in many ways. It is on the edge of a residential area, adjacent to the cemetery owned by MHMR and within one block of the UT intramural fields. It is 275' deep, but has only 150' of frontage on 51<sup>st</sup> Street, and is one of very few properties that are oriented toward 51<sup>st</sup> Street. Most of the properties along 51<sup>st</sup> Street are oriented to the Avenues.

The North Loop Neighborhood Plan did not rezone this property mixed-use because we were advised not to do "spot zoning". However, the development that my client wishes to do on this property could be used as a textbook example of what is called for in the plan and the Planning Team, after two consecutive presentations and much discussion, voted unanimous support for the zoning change. A second vote, after meeting with neighbors who oppose the change, was 13 to 1 in favor of our request.

Specific goals of the Neighborhood Plan that would be met by the proposed development include the following:

- 1) Increase Walkability - My client has offered to construct a sidewalk along the northern side of 51<sup>st</sup> Street from the site to Duval Street. The Planning Team ranked the construction of this sidewalk as their first priority, but the \$20,000.00 grant from the city was not sufficient for building it.
- 2) Diverse Housing Stock - Our neighborhood has relatively little of the type of living units proposed for this development.
- 3) Increase Density to Support Neighborhood-oriented Businesses - This development will provide approximately twelve two-bedroom living units.
- 4) Increase in the Number of Neighborhood-oriented Businesses - This development will include retail space—hopefully a café, one of the most-mentioned businesses desired by members of the Planning Team. This would provide a much-needed business within easy walking distance of the neighbors, the UT intramural fields, and the state office buildings at 51<sup>st</sup> and Lamar.
- 5) Small-Scale Mixed-Use Development - With around 3,000 square feet of retail, 2,000 square feet of office, and twelve living units, this development will be properly scaled to the neighborhood.



There are a number of nearby residents who oppose this development, and we have met with them on two occasions. All of the objections that they have raised have been discussed at great length—and before the objecting neighbors raised them—by members of the Planning Team. These discussions have taken place at two consecutive meetings of the Planning Team, in a number of small group discussions, and via our neighborhood list serve.

Some of the objections raised are matters of perception. Two people can look at the same thing and see something quite different. Some see this development as a traffic magnet, and an infringement on the neighborhood. My own perception is quite different. In addition to being the owner's representative, the owner's architect, a neighbor, and a member of the Planning Team, I am a professional who has been looking for suitable office space within walking distance of my home for quite a long time. I see this development as a place where I can office in a building of my design within three blocks of my home. I see a place where I can have breakfast or lunch, or sit on a terrace with a client and discuss projects over a cup of coffee. I see this as a place where I can go on a Saturday morning and run into neighbors, visit, and discuss neighborhood issues.

Other objections that have been raised are things that can be effectively dealt with through design. For example, we plan to have the drive into and out of the development be one-way in order to mitigate traffic concerns. The placement of the dumpster will keep it as far as possible from residences. The structure will be sited in a way that ensures that neighbor's yards receive afternoon sun, and that their views are as broad as possible, etc.

My client has offered to have conditional overlays placed on the property that would ensure that certain types of businesses would not be allowed, notably automotive-related and drive-through businesses. They are open to certain other restrictions deemed appropriate by the Planning Team and neighbors.

I hope that you will give your vote of approval to this zoning change request, and I look forward to answering any questions you might have during the hearing on Tuesday night. Thank you for your time and consideration.

Sincerely,

Don Smith, Architect Member  
Northfield Design Associates, PLLC

# EXHIBIT 6

**Welder, Kathleen**

**From:** Greg Madsen [gregmkb@swbell.net]  
**Sent:** Tuesday, May 11, 2004 5:06 PM  
**To:** kathleen.welder@ci.austin.tx.us; Kathy.Haught@ci.austin.tx.us  
**Cc:** matt@glenrose.com; yoder2000@mindspring.com; smith78751@austin.rr.com;  
Northfield.NA.Officers:@coaspm1.ci.austin.tx.us; 'Mary Patrick'  
**Subject:** RE: Planning Commission meeting agenda - Items 3 and 4 -

**Importance:** High

Kathleen & Kathy,

I too support this proposal for many reasons. Primarily, this project will create desired infill consistent with the Neighborhood Plan, create an "activity node" at a location that needs pedestrian and urban activity to alert drivers to reduce speed, and finally provide the least intrusive development to adjacent neighbors.

Sincerely,  
Greg Madsen  
5112 Evans Ave.  
NLNPT member and NNA member

-----Original Message-----

**From:** Mary Patrick [mailto:map@mail.utexas.edu]  
**Sent:** Tuesday, May 11, 2004 10:57 AM  
**To:** kathleen.welder@ci.austin.tx.us; Kathy.Haught@ci.austin.tx.us  
**Cc:** matt@glenrose.com; yoder2000@mindspring.com;  
smith78751@austin.rr.com; Northfield NA Officers:  
**Subject:** Planning Commission meeting agenda - Items 3 and 4 -

Dear Ms. Welder and Ms. Haught,

You have already received a letter from Jay Reddy, former President of the Northfield Neighborhood Association informing you of that body's vote on March 1, 2004 to support the commercial-mixed use project proposed for 100-104 and 0 E. 51<sup>st</sup>. Street. My husband and I are the current co-presidents and, as such, write this letter in support of the project.

This project represents a good step forward in enhancing that particular part of the neighborhood. Replacing the existing buildings with attractive and reasonably-sized residential units along with space for small retail is in keeping with the the goals of the neighborhood.

Personally, we are in favor of small, locally-owned retail establishments like delis and coffee shops, being built within walking distance to most of the area, something, that, in my opinion, we should be doing all over Austin.

Thank you for your efforts and assistance on behalf of our neighborhood.

Sincerely,

Mary and Gerald Patrick

# EXHIBIT H

## **Matt Hollon, Chair, North Loop Neighborhood Planning Team Remarks for Planning Commission re: 100-104 E. 51st Street LR-MU, May 11, 2004**

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Good evening. My name is Matt Hollon and I am the Chair of the North Loop Neighborhood Planning Team and Vice President of the Morningside-Ridgetop Neighborhood Association. I want to thank the Commissioners for the opportunity to speak tonight. I look forward to the input that you might offer in this present case.

We are going to talk tonight, in great detail, about a proposed zoning change for a group of properties fronting 51st Street. There is so much to talk about that I can't get to it all in such a short time, but I'd be glad to answer any questions you have and direct you to a table of "pros and cons" that I compiled while we considered this issue.

All of us on the Planning Team are very familiar with 51st Street. All of us in our neighborhood—both North Loop and Hyde Park—are familiar with 51st Street. In fact, most people in the City of Austin are familiar with 51st Street. It is officially classified as an arterial, is a key east-west corridor, has its own exit on I-35, and it serves a great and growing number of motorists as we drive around on our daily commutes and errands. The debate we will hear tonight will revolve around how we can best develop a particular property along this road. But it also speaks to how we interface with the road itself, positively or negatively.

The North Loop Neighborhood Planning Team has, for some three and a half years, focused on issues just like this one. All of us live or work in this area and we know that there are increasing pressures both within and without our neighborhood which have steadily increased traffic and activity in our community. The proposed mixed use development at 100 E. 51st would be one more such activity. If the zoning change is denied, then there would be some other, different activity—most likely that of folks living in and driving to and from either duplexes or townhomes. Either way this works out, folks will be using this piece of land and in doing so, interacting with our neighborhood.

Our Neighborhood Planning Team therefore focused on the type and quality of the activity that would take place under the three most likely scenarios and how it would add or detract from our greater community. Will we have a development which faces inward on flag lots, or will we create residential units AND a small-scale commercial interface with the rest of the community? Our North Loop Neighborhood Plan clearly supports and promotes the latter. When we established our Plan's first goal of encouraging compact and human-scale land use, we called for a mixed use neighborhood that includes mixed use buildings with residential and office space above ground floor retail. We called for the promotion of commercial and residential infill that supports and enhances the character of the neighborhood. Our Planning Team members will define tonight why we think this present proposal for a zoning change to allow this type of mixed use project directly supports our Plan and why it will benefit our neighborhood.

I lived directly on 51st Street for four and a half years just west of this project. You can see the little duplex that I rented right next to Waller Creek at the bottom of the hill below the proposed mixed use tract. I know very well how cut off I was on this street from the greater community. The single family residential houses along 51st from the cemetery west to Guadalupe are all similarly isolated due to the traffic of this street and the lack of sidewalks on this north side. In my work, I recall seeing a historic study about this stretch of Waller Creek, and it mentioned the construction of the bridge on 51st Street. I can't recall the date this happened—I'm thinking 1960s (someone may know here tonight)—but whenever it was, it changed our neighborhood decisively. As did the addition of about five or more times more people in the greater Austin area.

Whatever happens on this site—mixed use or townhomes or duplexes—51st Street will remain a busy, difficult street to live around. We have decisively moved past the days prior to that Waller

**Matt Hollon, Chair, North Loop Neighborhood Planning Team**  
**Remarks for Planning Commission re: 100-104 E. 51st Street LR-MU, May 11, 2004**

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Creek bridge. I empathize with people who live directly on this road. With the Triangle development now going in and the Mueller redevelopment looming, we will only have more traffic to be added to what the large State office buildings help create along 51st and Lamar.

So where do we go from here? How do we help this be a more livable, positive place? Many folks along 51st are, understandably, building walls to insulate them from the traffic and noise. I might consider this, too, if I lived along an arterial. But as a Planning Team and a community, we need to think about how we can best interact with 51st Street and turn it from a negative into a positive. I strongly believe that if we turn inward from this (or any) corridor and conclude that it is "just too dangerous for pedestrians," then we will just leave it to cars and, as some have called it, "cut-through traffic" (I'm still not sure how you define traffic on an arterial as "cut through"). How do we make this OUR space and make it more beautiful, safe, and functional?

We on the Planning Team believe that the proposed mixed use development is a good start. It acknowledges that this is a busy street but builds a street presence right up next to the street. It embraces 51st Street. It will have storefronts and street trees and an orientation toward the road. It will promote street activity and interest. Its construction will include the installation of an much needed sidewalk on the north side of 51st Street. Others tonight will talk about how this very design—significant structure near a road—serves to slow traffic and create an atmosphere more conducive to human-scaled activity, such as walking and bicycling, that we want in our community.

But make no mistake. This project will not solve all of 51st Streets ills nor those of our neighborhood. It is one piece of the puzzle. The proposed plan calls for 3,000 sq. ft. of retail and 2,000 sq. ft. of office space. This is hardly a major complex. The modest scale of the project was a crucial factor in our Planning Team's support for it. And zoning and conditional use prohibitions further limit what can take place there. It cannot be a drive-thru. It cannot be a gas station. It cannot be a convenience store. (Many, we hear, are under the impression that all of these are possibilities.) The traffic it will "generate" will be dwarfed by that of the State offices, the Triangle, Mueller, and, frankly, of the rest of us neighbors commuting back and forth.

The key will be that it will have an appropriate scale for the neighborhood—substantial enough to be an anchor in an otherwise scale-less area west of the residential areas—but small enough and set back from the surrounding homes. There are few tracts along 51st suitable for this type of development. In fact, in my mind, this may be the ONLY such tract between Airport and Lamar given its orientation and size. We did not include a 51st Street corridor in our Plan not because we did not recognize it as different from our interior residential streets, but because there are truly few opportunities to do this type of project which we so strongly supported in our other corridors. But this should not prevent us from seizing this present opportunity. As relatively small as it is, it is actually one of the largest remaining undeveloped properties in our Planning Area. We essentially can have more of the same—more inwardly looking duplex rentals—or we can support a land use that will give back to the community as an asset and a landmark.

In closing, we of the North Loop Neighborhood Planning Team see this project as a unique opportunity. Every plan has to be able to recognize and support opportunity. We have looked at the various aspects of this zoning change for some months in great detail. There are downsides that exist which will require careful design solutions, and we welcome your comments about these, but, on balance, we'll get way more with a mixed use development on 51st Street, on this important arterial dominating our neighborhood, than we will with the single family alternatives.

Thank you very much for your time tonight.

## Refutation of Staff Recommendations for 100 to 104 E. 51st Street

City staff recommends against the proposed LR-MU (mixed use neighborhood commercial and residential) zoning and instead proposes SF-5 (townhome) zoning. The North Loop Neighborhood Planning Team disagrees with staff's reasoning and finds that the proposed zoning strongly supports our Plan's goals and vision. While SF-5 would be functionally satisfactory and compatible, we believe this misses an important and increasingly rare opportunity.

1. *"LR-MU...is not recommended because it does not conform to the adopted North Loop Neighborhood Plan."*

The Plan establishes a framework and a set of guidelines. The burden of proof to change the Plan is on the applicant. Due to scheduling limitations, our Plan was not able to propose zoning for every individual property as we might have wished. Our Planning Area is almost entirely built-out. This is a unique site with unique characteristics of orientation, placement along an arterial, and size. Our Plan should not be forced to be static; we have to be able to take advantage of opportunities. The proposed mixed use at this site is very much in the spirit and character of our Plan. Yet more duplexes or townhomes would be fine, but not the best use of this special property.

2. *"LR zoning is not consistent or compatible with the surrounding area."*

LR is compatible with SF-3. It is defined in the City's "Neighborhood Planning Guide to Zoning" as "Neighborhood Commercial." Its summary description is as follows: "Shopping facilities that provide limited business service and office facilities to the residents of the neighborhood; such as consumer repair services, food sales, pet services." I'm confused by the City staff's assertion that it is not compatible. And this interaction is at the heart of our Plan's fundamental support of mixed use commercial and residential.

3. *The "property is not at an intersection and staff is reluctant to recommend commercial zoning mid-block, where it abuts single-family residences."*

The development would have a *more* intrusive impact on a corner than at its proposed location. And it is on the edge of the neighborhood. Staff noted that SF-5 would serve as a "buffer between the cemetery to the west and the Texas Parks and Wildlife facility and University of Texas athletic fields to the southwest." How would this combined small-scale retail and office complex—"neighborhood commercial"—and residential mix be less appropriate as a buffer? The proposed entrance and exit lanes are safer and more logical for this location than would likely occur with the SF-5 or SF-3 options. We believe this location will both allow neighborhood interaction—walking to the site—while being set off by site orientation, generous setbacks not provided in the SF-3 and -5 scenarios, and a physical wall from existing SF-3 properties.

4. *"[W]hile ... the applicant will be able to meet the parking requirements there is the potential for overflow parking onto the surrounding residential streets."*

This at once recognizes that sufficient parking can be provided—which ought to be a positive—and ignores the spillover traffic impacts of the SF-3 and SF-5 options.

# EXHIBIT I

North Loop Planning Contact Team: Pro and Con List of Proposed Plan Amendment to Change to Commercial-Mixed Use

## 100-104 E. 51st Street Mixed Use Project

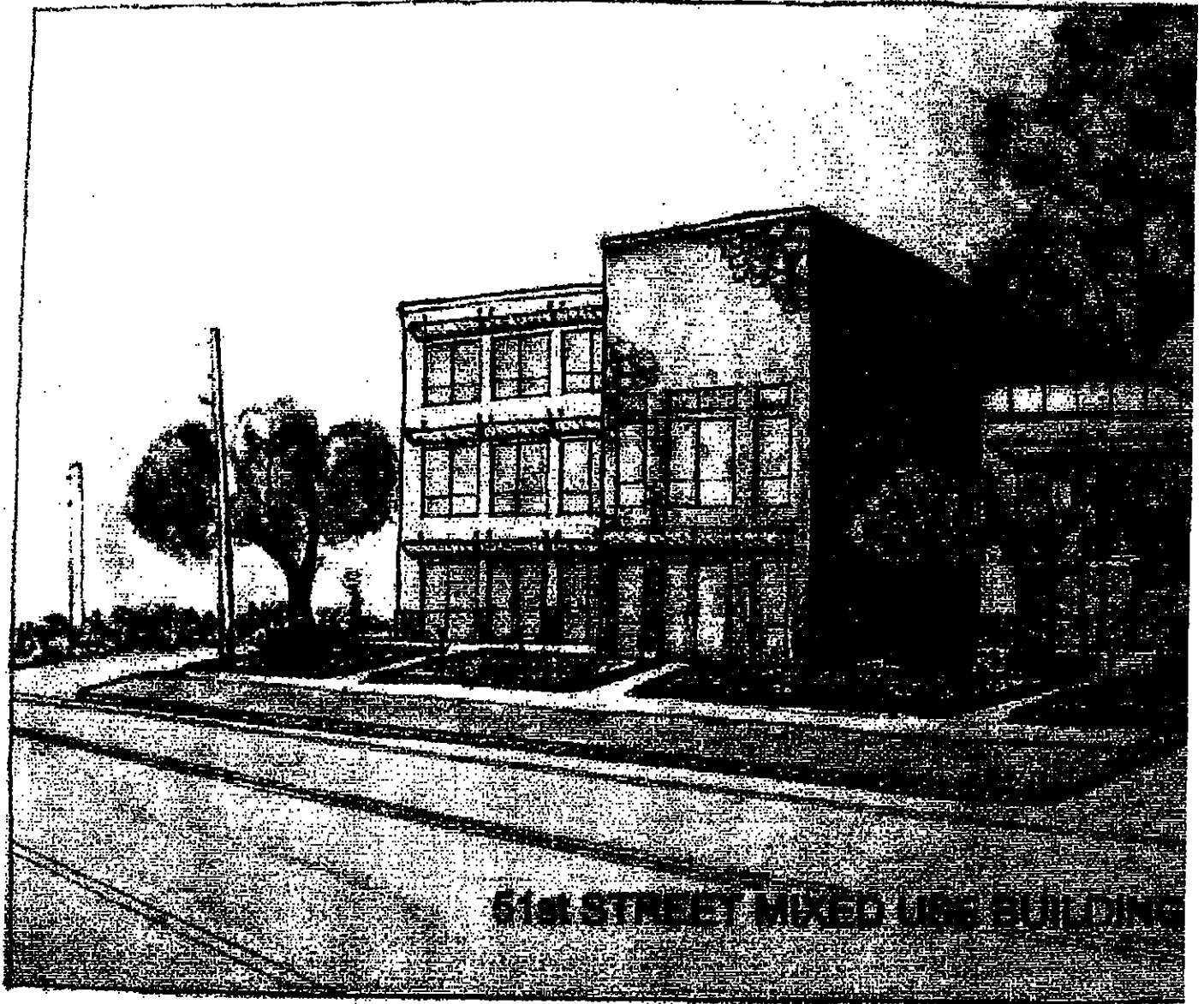
Pros	Cons
1. Small scale of mixed use complex fits in with surrounding SF-3 properties.	1. Change to Existing Neighborhood Plan from SF-3 not anticipated or desired by local residents.
2. Street presence of mixed use buildings (better aesthetics, parking not visible from road, height & activity near road slows down motorists).	2. Poor visibility (sight lines), traffic safety concerns; traffic going up to 50 mph; difficult to reach on foot or bicycle from Hyde Park side.
3. Significant sidewalk added on n. side of 51st, paid for by developer.	3. Sidewalk difficult, expensive to build; would have to make sure built.
4. Mixed use has significant parking (no variance requested); SF options not required to have as much parking, risk more overflow impacts.	4. Increased traffic on 51st due to commercial use.
5. Greater setback from adjacent SF-3 lots than SF options (more space, less sunlight blockage); no variances requested.	5. Overflow Parking to neighboring properties.
6. More choices within walking or bicycling distance for neighbors; increased quality of life, property values; SF options just more of same.	6. Already enough Commercial Development nearby.
7. Orientation of property to 51st would be a negative for duplexes but not for commercial; mixed use building externally oriented, create street life; SF options internally oriented.	7. Property values of adjacent SF-3 homes would go down, create more rental property, say neighbors.
8. Plan has to recognize positive opportunities; unique site and possibilities.	8. Spot zoning.
9. Orientation of property to 51st and use of masonry wall minimizes direct interface with surrounding SF-3 properties.	9. Restrictive covenant (and potential enforcement & associated expense) required.
10. LR zoning compatible with residential neighborhood; Conditional Overlay restrictions additionally limit unwanted uses and address other factors (e.g., hours of operation).	10. Divisive: area residents favor, local residents oppose; want to have Neighborhood Plan unite & bring in folks, not divide.
11. Design accommodations address various concerns (e.g., placement of dumpsters, AC units, etc.).	11. Valid petition makes passage of change difficult at City Council.
12. LR (commercial) requires detention & water quality controls; no controls for SF-3 thus increased negative impacts to Waller Creek.	12. Concerns about Mike Rhodes' track record; will project be built as presented—or differently and/or sold to another entity.

# EXHIBIT J

North Loop Plan Amendment Meeting; March 23, 2004	
Case NPA-04-0011.01: 100-4 E. 51st St. and 0 E. 51st Street	
Feedback from Meeting Attendants	
Total Number of Attendants: 33 + three staff persons	
Hyde Park Neighborhood Association representatives	
1	Reasons they oppose commercial-mixed use but support high-density single-family
2	traffic problems (from proposed office(s) and restaurant)
3	spot zoning
4	townhomes could be superior development to duplexes
5	51st St. will have backed up traffic to future RMMA redevelopment
6	If commercial-mixed use (LR-MU) granted, E. 51st could turn into Koenig Lane
Neighbors within approximately 300' of subject tract	
1	North Loop Neighborhood Plan good but shouldn't be able to change so easily
2	Planning/Contact Team loses credibility when making decisions without input from all parties (and when they oppose neighbors directly)
3	traffic on E. 51st St. travels fast, going west and is backed up going east
4	
	City at fault in creating the the plan amendment process; City should have envisioned a more fair process
5	E. 51st St. is different than North Loop (developed with businesses, restaurants, & residences); no turn lanes and unsafe pedestrian traffic further exacerbates its un-suitability
6	14 homeowners have been ignored, and zoning should not be changed after they have purchased their property
7	Restrictive covenant does not give much comfort; who will enforce? Who has the money to enforce? Will the planning team commit to enforcing it?
8	If commercial-mixed use was desirable here, the recent plan would have already addressed it
9	property value question: neighbors have concern that their property will be devalued while the subject tract's value improves
10	Some of the reasons adjacent homeowners purchased there are because they were surrounded by SF-3 and had ample existing businesses in appropriate areas and in the general vicinity
11	neighbors that did not attend the actual North Loop meetings during the previous process may have participated in other ways by calling and reviewing the mail-outs of the plan; so many, though they were not at meetings, were not uninvolved
12	SF-3 homeowners could be penalized if developer gets the requested land use change
13	
	need for commercial in North Loop? -plenty of vacant space zoned appropriately for office and commercial
14	the development of the "Triangle" nearby will fill any need for additional apartments and commercial space in the general vicinity
15	developer bought property speculatively (should accept zoning originally purchased); the planning team would not have proposed zoning change if developer had not approached them
16	turning left or right onto E. 51st from Rowena is already dangerous for traffic
17	developer shielded from liability if traffic from proposed development proves dangerous because developer firm organized as a corporation; also, a corporation intends to make money and could jeopardize design in favor of investment potential
18	commercial already within walking distance of neighbors adjacent to subject tract
19	Avenue F. is already very busy with cut-through traffic
20	could retail face become a Starbucks? Could it rival the livelihood of Flightpath?!
21	in the case of Flightpath, its existence essentially turned the neighboring owner-occupied home into a rental; will commercial developed on subject tract have the same effect on neighboring homes?
22	many accidents on Avenue at E. 51st witnessed by neighbors
23	the are bounded by Duval, Avenue F, 53rd, and 51st is already 30% rental
24	7 restaurants are within walking distance of the the residences near the subje tract

EXHIBIT L

DRAWINGS PROVIDED BY PROPERTY OWNER

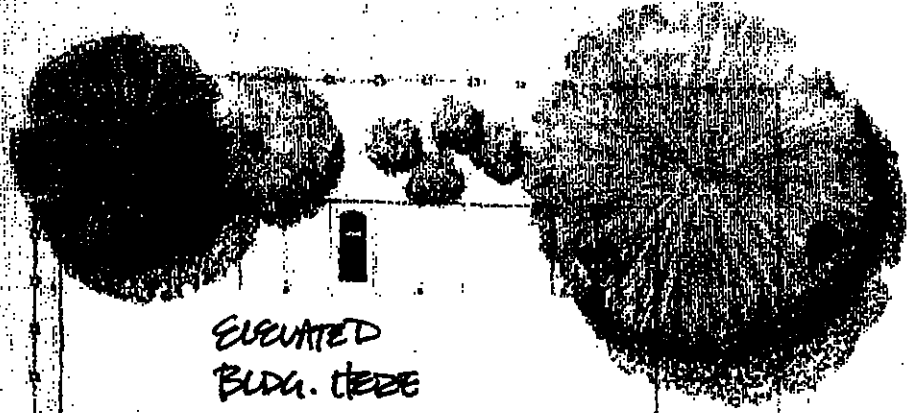


HANDOUT AT PLAN AMENDMENT MEETING  
3/23/04

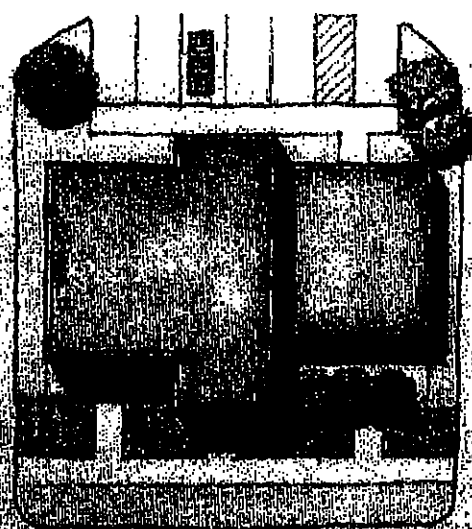
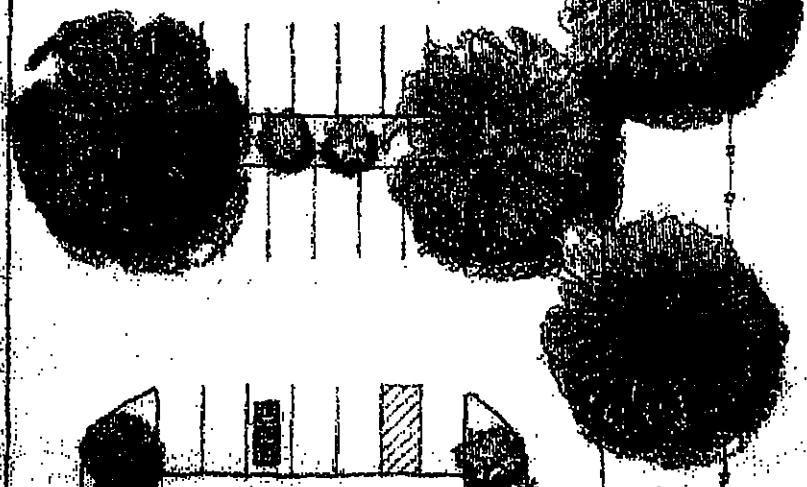
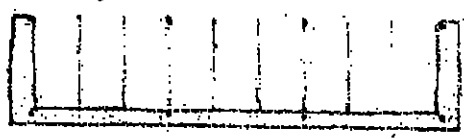




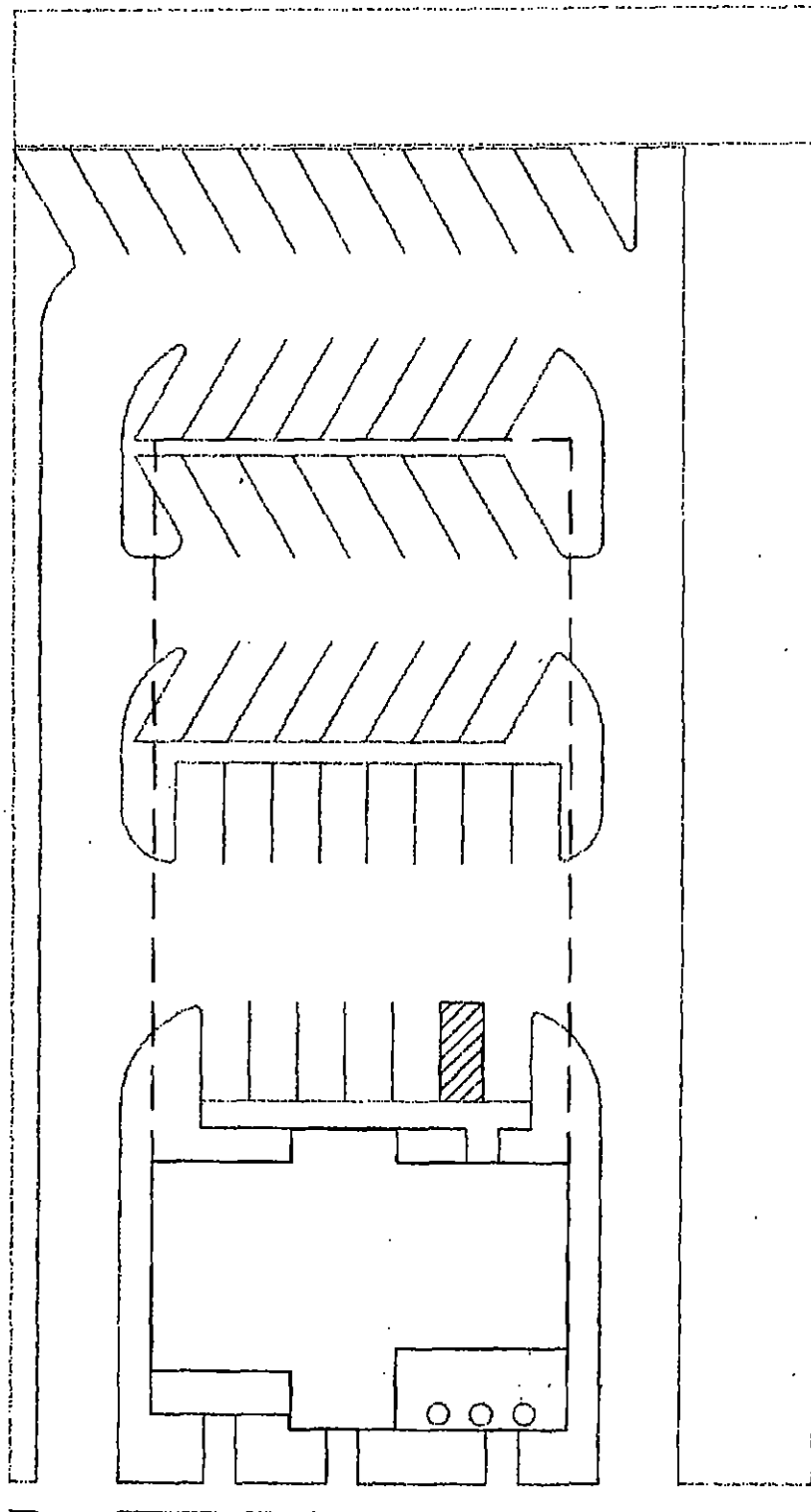
51st STREET MIXED USE BUILDING



ELEVATED  
BUDG. HERE



51st STREET



LR-MU (MIXED USE) LAYOUT

